14.10.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents present.

Further legal assistance needed on certain points, therefore, to come up for re-arguments on 20.10.2022 before the D.B.

(Mian Muhammad) Member (E) (Salah-Ud-Din) Member (J)

20th Oct., 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 19.12.2022 before D.B.

(Fareena Paul) Member (E)

(Kalim Arshad Khan) Chairman 26th July 2022 Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Muhammad Ibrahim, Finance Officer for official respondents No. 1 to 3 and learned counsel for private respondent No. 4 present.

Learned counsel for the appellant seeks adjournment in order to properly assist the court on the next date. Adjourned. To come up for arguments on 11.10.2022 before the D.B.

(Salah-Ud-Din) Member (J)

(Kalim Arshad Khan) Chairman

11.10.2022

Appellant alongwith his counsel present. Mr. Hakeem Zada, Superintendent, Muhammad Ibrahim, Finance Officer and Mr. Albert David, Superintendent alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents No. 1 to 3 present. Learned counsel for private respondent No. 4 also present.

Arguments heard. To come up for order on 14.10.2022 before the D.B.

4.

(Mian Muhammad) Member (É) (Salah-Ud-Din)

Member (J)

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Hakim Zada Superintendent for official respondents present. Counsel for private respondents present.

The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 03.02.2022 before D.B.

03.02.2022

The Tribunal is non-functional, therefore, the case is adjourned to 13.05.2022 before D.B for the same.

13-5-22 Propor pB nat amalable the case is adjourned on 26-7-22

30.08.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Hakeem Zada, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. Private respondent No. 4 in person present.

Learned counsel for the appellant requested for adjournment on the ground that he has not met preparation for arguments. Adjourned. To come up for arguments before the D.B on 20.09.2021. Member copy of the instant appeal is not available, therefore, learned counsel for the appellant is directed to provide the same on or before the date fixed.

ATIO-UR-REHMAN WAZIR) MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

20.09.2021

Counsel for appellant present.

Muhammad Rasheed learned D.D.A for respondents present.

Former made a request for adjournment. Request is accorded. To come up for arguments on 01.11.2021 before D.B.

(Rozina Rehman) Member (J) Chairman

31.05.2021

Appellant alongwith his counsel Mr. Noor Muhammad Khattak, Advocate, present. Mr. Hakeem Zada, Superintendent alongwith Mr. Muhammad Rasheed, Deputy District Attorney for official respondents No. 1 to 3 and Mr. Muhammad Amin Ayub, Advocate, for private respondent No. 4 present.

Learned counsel for the appellant requested that as another appeal filed by the appellant regarding his premature retirement is also pending adjudication before the Tribunal in which next date of hearing is fixed as 26.07.2021, therefore, the appeal in hand may also be fixed on the said date. Request seems genuine, therefore, to come up for arguments before the D.B on 26.07.2021.

(ATIQ-UR-REHMAN WAZIR) MEMBER (EXECUTIVE)

(SALAH-UD-DIN) MEMBER (JUDICIAL)

26.07.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Hakeem Zada, Superintendent alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present. Private respondent No. 4 in person present.

Learned counsel for the appellant requested for adjournment on the ground that he has not met preparation for arguments. Adjourned. To come up for arguments before the D.B on 30.08.2021.

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

(SALAH-UD-DIN) MEMBER (JUDICIAL) 15.10.2020

Mr. Noor Muhammad Khattak, Advocate for appellant is present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General alongwith Mr. Muhammad Ibrahim, Finance Officer for official respondent No. 3 and private respondent No. 4 are also present.

Learned counsel for appellant submitted that the appellant has been placed under retirement during the pendency of the instant appeal which order has been suspended by this august Service Tribunal since that very order directly and substantially pertains to the issue involved in the instant appeal, therefore, tackling both of them for arguments and decision simultaneously, is necessary for the ends of justice. Request is appropriate. Propriety demands to decide the appeals having identical issues at the same time. The appeal is adjourned to 09.12.2020 on which to come up for arguments before D.B.

(Atiq-ur-Rehman Wazir) Member (Executive) (Muhammad Jamal Khan) Member (Judicial)

09.12.2020 Due to COVID-19, case is adjourned to 02.03.2021 for the same as before.

02.03.2021 Due to COVID-19, the case is adjourned for the same on 31.05.2021 before D.B

READER

28.07.2020

Mr. Noor Muhammad Khattak, Advocate, for appellant and appellant himself are, present. Mr. Kabirullah Khattak, Additional AG alongwith representative of the department Mr. Muhammad Ibrahim, Finance Officer on behalf of official respondents No. 2 & 3 and Mr. Muhammad Amin Ayub Advocate, on behalf of private respondent No. 4 and private respondent No. 4 himself, are also present.

Reply/comments of the remaining respondents have been submitted and placed on record. The record also reflect that other respondents have submitted their replies/comments which are already appended with record. Without making an order on the stay application it would be in the fitness of things and since the initial stages of proceedings are complete and appeal is rendered mature for arguments on the one hand and the direct nexuses of the issue agitated in the stay application with the main controversy in which the parties are locked, on the other, it is most appropriate as mandated by the law to submit it before the worthy Division Bench of this august Services Tribunal for arguments on main appeal as well as on stay application where the parities and their counsel shall appear on 12.08.2020.

(MUHAMMAD JAMAL KHAN) MEMBER

12.08.2020

Due to summer vacations case to come up for the same on 15.10.2020 before D.B.



Counsel for the appellant present. Addl: AG alongwith Mr. M. Ibrahim, Finance Officer for respondents present. Mr. Khalid Rehman, Advocate filed wakalatnama in favour of respondent No.4.

Written reply on behalf of respondents No. 3 has already submitted. Written reply on behalf of respondents No. 1,2 and 4 not submitted. Learned AAG seeks time to contact the respondents No. 1 and 2 for submission of reply on main appeal as well as on application. Last opportunity granted.

Adjourned to 22.07.2020 before S.B.

(Mian Muhammad) Member(E)

22.07.2020

Mr. Shahzullah, Advocate for appellant and appellant himself are present. Mr. Kabirullah Khattak, Additional AG alongwith representative of the department Mr. Muhammad Ibrahim, Finance Officer on behalf of official respondents No. 2 & 3 and Mr. Muhammad Amin Ayub Advocate, on behalf of private respondent No. 4 and private respondent No. 4 himself, are also present.

- 2. With the solitary exception of private respondent the remaining respondents have submitted their respective replies which are placed on file. Learned counsel for the private respondent is seeking time to submit reply due to procurement of certain copies of representations moved in the office concerned, time granted and reply be submitted by next day.
- 3. Arguments on stay application heard. File to come up for order on 28.07.2020 before S.B.

(MUHAMMAD JAMAL KHAN) MEMBER 18.06.2020

Counsel for the appellant and Addl: AG for respondents present. On the last date of hearing, the mater was adjourned on the strength of Reader Note. The office shall, therefore, issue notice to the respondents No. 1,2 and 4 for submission written reply/comments on 30.06.2020 before S.B.

Learned counsel for the appellant submitted an application for suspension of the operation of order dated 30.03.2020 till the disposal of the instant service appeal. Notice of this application be also issued for the date fixed.

MEMBER

30.06.2020 App

Appellant along with counsel present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Muhammad Ibrahim Finance Officer for the respondents present.

Respondent No.4 submitted application for adjournment being detected positive with Covid-19.

Despite direction on the preceding date, written reply/comments were not submitted on behalf of remaining official respondents.

Learned AAG is directed to submit the same on or before 15.07.2020 before S.B.

Annexed with the main appeal, an application for suspension of the operation of order dated 30.03.2020 is annexed. Notice of this application has already been served upon respondents but learned AAG requested for adjournment; granted with direction to submit reply/comments, reply to application and arguments on the date fixed.

Member (J)

19.03.2020

Appellant in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Ibrahim, Finance Officer on behalf of official respondent No. 3 and private respondent No. 4 in person present. Representative of respondent No. 3 submitted para-wise comments on behalf of respondents No. 3. The same is placed on record. Neither written reply on behalf of respondents No. 1 & 2 submitted nor their representatives are present, therefore, notices be issued to them with the direction to direct the representative to attend the court and submit written reply on the next date positively. Private respondent No. 4 also seeks further time to furnish written reply/comments. Appellant has already submitted application for suspension of operation of impugned order dated 28.11.2018 and restraining the respondents from issuing his retirement order. Notice of the same be also issued to the respondents for the next date. To come up for reply and arguments on the said application as well as written reply/comments on behalf of respondents No. 1, 2 & 4 on 27.03.2020 before S.B.

(MUHAMMAD AMIN KHAN KUNDI)

27.03.2020. Due to public Androlays on the account of Coviet-19, therefore the case is adjourned. To come up for the same on 18.06.2020 before SB.

Reader

12.02.2020

Appellant with counsel present. Preliminary arguments heard.

The appellant (Subedar) has filed the present service appeal against the notification dated 28.11.2018 on the ground that vide said notification dated 28.11.2018 private respondent No.4 has been promoted to the rank of SUBEDAR MAJOR despite being junior to the appellant while the appellant has been ignored. The appellant has also assailed the order dated 14.01.2020 through which it was conveyed that the departmental appeal filed by the appellant was filed being devoid of merit.

Submission made by learned counsel for the appellant need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 05.03.2020 before S.B.

Member

05.03.2020

W 2007 [2]

Junior to counsel for the appellant and Addl. AG alongwith Muhammad Ibrahim, Finance Officer for respondent No. 3 present and submitted written reply. Respondent No. 4 in person present and requested for further time. Fresh notices be issued to respondents No. 1 & 2.

To come up for written reply/comments of respondents No. 1, 2 and 4 on 19.03.2020 before/S.B.

Member

Form- A

FORM OF ORDER SHEET

Court of		
Case No	407/ 2020	•

:	Case No	407/ 2020
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/01/2020	The appeal of Mr. Raham Zeb presented today by Mr. Noo Muhammad Khattak Advocate may be entered in the Institution Registe and put up to the Worthy
		REGISTRAR 16/01
i		This case is entrusted to S. Bench for preliminary hearing to be
-	''	put up there on 12/02/2020.
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-		MEMBER.
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 407 /2020

AMIR NAWAB

VS

GOVT: OF KP & OTHERS

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APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK ADVOCATE (CELL NO.0345-9383141)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

APPEAL NO. 1/2020

900/10/91 part

MR. AMIR NAWAB, Subedar (BPS-13), Malakand Levies at Malakand.

TNAJJEGAA.

VERSUS

- The Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- Z- The Secretary Home, Khyber Pakhtunkhwa, Civil Secretariat, Posbawar
- 3- The Deputy Commissioner/ Commandant Malakand Levies, District Malakand.
- 4- Mr. Farid Ullah, Subedar Major (BPS-16), Malakand Levies at

.. RESPONDENTS

REGRETTED ON NO GOOD GROUNDS BEEN **SAH** TNAJJ399A THE OF 6T07-7T-20 OF FEDERAL SERVICE TRIBUNAL DECISION DATED WHEREBY DEPARTMENTAL APPEAL FILED IN LIGHT AGAINST THE APPELLATE ORDER DATED 14-01-2020 INSPITE OF SENIORITY & FITUESS AND THE 16) WHILE THE APPELLANT HAS BEEN IGNORED PROMOTED TO THE RANK OF SUBEDAR MAJOR (BPS-I.E. PRIVATE RESPONDENT NO. 4 HAS BEEN 28.11.2018 WHEREBY JUNIOR TO THE APPELLANT AGAINST THE IMPUGNED NOTIFICATION DATED PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 UNDER SECTION-4 OF THE

SEP OF STATE OF A

PRAYER:

That on acceptance of this appeal the appellate dotification dated 28.11.2018 and the appellate order dated 14-01-2020 may very kindly be set aside and the respondents may be directed to consider the appellant for promotion to the Rank of Subedar Major (BPS-16) w.e.f. the date when the private respondent No. 4 had been promoted the private respondent No. 4 had been promoted i.e. with effect from 28.11.2018 with all consequential benefits including seniority. Any other remedy which this august Tribunal deems fit other remedy which this august Tribunal deems fit of the appellant.

R/SHWETH: ON FACTS:

- 1. That initially the appellant was appointed as Sepoy (BPS-5) in the respondent's Department on 1.4.1985. That later on the appellant was promoted to the Ranks of Lance Naik, Naik, Havaldar and Subedar (BPS-13) vide orders mentioned in the seniority list prepared for the employees of Malakand Levies. Copy of the Seniority list showing the dates of appointment and promotions is attached as Annexure
- 2. That the respondent Department Framed/formulated service structure for the Levies personnel vide Notification dated 4.2.2013 whereby the method for recruitment of Subedar Major (BPS-16) has been mentioned as 100% by promotion on the basis of seniority cum fitness from amongst Subedars (BPS-13). Copy of the Rules are attached as annexure.
- 3. That according to the seniority list already attached as annexure-A the appellant being the senior most employee of the respondent Force has been Ranked at Serial No. 1 of the Seniority list. That appellant was quite hopeful for his promotion to the Rank of Subedar Major (BPS-16) due to his excellent record of service and having seniority cum fitness.
- 5. That feeling aggrieved from the impugned Notification dated 28.11.2018 the appellant preferred Departmental Appeal dated 19.12.2018 before the respondent No.2 which was not responded within the statutory period of 90 days, hence, the appellant filed service appeal no. 344 (P) CS/2019 before the Federal Service Tribunal Islamabad. Copy of Memo Service Appeal is attached as **Annexure E**.
- fribunal issued a consolidated judgment by declaring all the

- **8.** That appellant feeling highly aggrieved and having no other remedy filed the instant appeal on the following grounds amongst the others.

GROUNDS:

- **A-** That the impugned Notification dated 28.11.2018 and appellate order dated 14-01-2020 issued by the respondents are against the law, facts, norms of natural justice & materials available on record hence not tenable and is liable to be set aside.
- **B-** That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- **C-** That the impugned Notification dated 28.11.2018 and appellate order dated 14-01-2020 are based on malafide and arbitrary intentions of the respondents hence not tenable in the eye of law and liable to be set aside.
- D- That the impugned Notification dated 28.11.2018 and appellate order dated 14-01-2020 issued by the respondents is not in accordance to the seniority list issued by the respondents and as such the same is violative of Section-9 of the Civil servant Act, 1973 read with Rule 7 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer), Rules 1989.
- F- That, the act of the respondents by ignoring the appellant from promotion to the Rank Subedar Major (BPS-16) inspite of seniority and eligibility is squarely falls within the violation of Law and Rules.

- F- That according to Article 38 (e) of the Constitution of Pakistan 1973 the State is bound to reduce disparity in the income and earnings of individuals including persons in the services of Federation.
- **G-** That the impugned Notification dated 28.11.2018 and appellate order dated 14-01-2020 is based on discrimination and as such not tenable in the eye of Natural Justice.
- **H-** That it is crystal clear from the final seniority list of Subedar that appellant is senior than the private respondent No.4 but inspite of that the appellant was ignored from promotion to the Rank of Subedar Major (BPS-16).
- I- That according to the service Rules of the Federal levies Force dated 4.2.2013 the Post of Subedar Major (BPS-16) has to be fill up on the basis of seniority cum fitness from amongst senior most Subedar and as such the appellant being the senior most employee of the respondent Force is entitle to be promoted to the Rank of Subedar Major (BPS-16) but inspite of that the respondents promoted the private respondent No.4.
- **J-** That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may very graciously be accepted as prayed for.

Dated: 16-01-2020

APPELLANT

AMEER NAWAB

THROUGH:

NOOR MOHAMMAD KHATTAK

MUHAMMAD MAAZ MADUL

ADVOCATES,

16/01/2020

HIGH COURT, PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO	/2020
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AMIR NAWAB

VS

GOVT: OF KP & OTHERS

APPLICATION FOR SUSPENSION OF THE OPERATION OF THE IMPUGNED ORDER DATED 28-11-2018 AND RESTRAINING THE RESPONDENTS NOT TO ISSUE RETIREMENT ORDER OF THE APPELLANT IN LIGHT OF LEVIES SERVICE RULES 2013 TILL THE DISPOSAL OF THE ABOVE MENTIONED APPEAL

R.SHEWETH:

- 1- That the above mentioned appeal along with this application has been filed the appellant before this august service † Tribunal in which no date has been fixed so far.
- 2. That, the contents of the instant application may very kindly be consider as part and parcel of the main appeal.
- 3- That appellant filed the above mentioned appeal against the impugned order dated 28-11-2018 whereby out of turn promotion has been giving to the Private Respondent No. 4 and the appellant has completely been ignored from promotion to the post of Subedar Major (BPS-16).
- 4- That all the three ingredients necessary for the grant of stay is in favor of the appellant.
- 5- That, according to the Levies Service Rule of 2013 (Already attached with main appeal as annexure-B) the appellant is going to retire on 31-03-2020.
- 6- That the impugned order dated 28-11-2018 has been issued by the respondents in utter disregard of law and prevailing Rules.

It is therefore most humbly prayed that on acceptance of this application the operation of the impugned order dated 17.8.2018 may kindly be suspended **OR** the respondents may kindly be restrained from issuing retirement order of the appellant till the disposal of the above mentioned appeal.

Dated: 16-01-2020

APPELLANT

AMIR NAWAB

THROUGH:

NOOR MOHAMMAD KHATTAK

&

ADVOCATES, HIGH COURT, PESHAWAR 16/1/2010

(MOBILE NO. 0345-9383141)

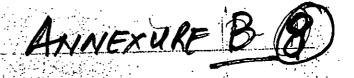
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AMEXAGE 4

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TYTRAORDINARY

COVERNICENT



REGISTERED NO. P.III

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 15TH FEBRUARY, 2013.

GOVERNMENT OF KHYBER PAKHTUNKI WA HOME & TRIBAL AFFAIRS DEPARTMENT"

NOTIFICATION

Peshawar the 4th February 2013

SERVICE RULES FOR FEDERAL LEVIES FORCE IN PATA

in exercise of the powers conferred by Section 9 of the PATA Lavies Force Regulation, 2012 the Frovincial Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:-

Short title and commercement (1) These rules may be called Provincially Administered Triba Areas (PATA) Federal Levies Force Service (Amended) Rules; 2013.

- (2) They shall come into force at once.
- Definitions (1) in these Rules, unless the context otherwise require, the following expressions that have the meahing hereby respectively assigned to them; namely:
 - "Appointing Authority" means the appointing authority specified in rule-4;
 - (b) "Commandant" means Commandant of the Force, who shall be the Denuty
 Commissioner in their respective jurisdiction;
 - (c) "Deputy Commandant (Operation)" means an Assistant Commissioner or any officer of the District designated as such by the provincial government who shall be Deputy Commandant (Operation) of the Force in PATA, to exercise in his respective jurisdiction such powers and perform such functions as may be prescribed and who shall be responsible to the Commandant for operational matters of the Force in PATA.
 - (d) "Deputy Commandant (Administration)" means Deputy Commandant (Administration) of the Force, who shall be an difficer of the provincial government or any officer of the District designated as such by the provincial government to exercise in his respective jurisdiction such powers and perform such functions as may be prescribed and who shall be responsible to the Commandant for administration and establishment matters of the Force in PATA.
 - (e) "Government" means the Government of Khyber Paikhtunkhwa;
 - (f) "Home Department" means Provincial Home & Tribal Affairs Department;
 - (g) "Initial recruitment" means appointment made other than by promotion or by transfer;
 - (h) "Schedule" means the Schedule appended to these rules;

ATTESTED

643



KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 15th FEBRUARY, 2013. 845

- f. Training. (1) All newly rocksted personnel of the Force shall undergo six months pre-service training before being assigned duties if the rank for which they selected. Initially, the Appointing Authority shall arrange for appropriate training till a proper Levies Training Center is established.
- (2) The pre-service training mentioned in sub-rule (1) may contain training on basic laws, investigation techniques, mot control basic intelligence arrest and detention procedure, jail duties, drill, treapons training, field craft, bomb disposal, counter assault, traffic control, raids, watch & ward etc. Proper training syllabus and modules shall be developed through mutual consultation with local law unforcing agencies by the Home Department.
- Resignation.-No member of the Force shall resign before the explin of the first three months of his recruitment or he shall deposit an amount equal to his three months pay in lieu of his three months essential service.
- (as on the required length of service as specified in Schedule-I.
- The service of a personnel by initial recruitment, promotion or transfer may be dispensed with or reverted if, in the opinion of the competent authority his work and conduct is not satisfactory during probation period or due to abolishment of posts, as the case may be.

Provided that in case of dispensing with their service or reversion the concerned authority shall record cogent reasons for such action in writing.

- (3) The seniority list of the Force shall be maintained at district level. Commandant shall be responsible for maintaining the sealority list of the force and shall notify annually.
- 9. Transfer during service. Even member of the service shall be liable to serve anywhere within PATA with the prior approval of the Commissioner Malakand DMsfon.
- 10. Punishment -After satisfying himself regarding punishable acts (as referred in Schedule-II) through a charge duly framed in writing necessary punishments specified in Schedule-IV may be awarded by the respective authority.
- Provided that purdshment so awarded shall be duly incorporated in service rolls / service dossler accordingly.
- 11. Appeal. If any personnel of the force is aggileved by any order issued under these rules, within thirty days of communication to him of such order, may prefer an appeal to the competent authority.
- Provided that no appeal shall lie against the punishments specified at S.No. (1) and (2) of Schedule-IV
- 12. Awards and commendations. -(1) Force personnel may be given special award and commendation certificate for devotion to duty, demonstration of gallantry and such achievement in the performance of duty, in the manners as prescribed by the Commandant, and shall be made part of the service rolls / service, dussier.
- (2). Force personnel, if empraces martyrdom in the discharge of his duty, will be given proper Guard of Hondur at the time of burlal.
- 13. Service Record. -Proper service rolls / service dossiers of all Force Personnel shall be maintained in Levy Office of each district. Annual reports of all Haveldars and Junior Commissioned Officers (JCOs) will also be maintained for the purpose of promotion.
- 14. Uniform. The levy personal shall attire black shalwar gamees with brown chappli, white socks, black barrotte cap and black belt whereas the JCOs will wear brown belt during duty hours.
- t5. Leave (1) Leave may be granted depending on the exigencies and at the discretion of the Commandant. All leave of ten days of pove, will be considered as long leave and shall be granted on the recommendations of Subedar Major by the Commandant.

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: : :





KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 15th FEBRUARY, 2013. 647

24. An Anomaly Committee duly constituted/notified vide Home and Tribal Affairs Department, Khyber Pakhtunkhwa Notification No.SO(Rollee)/HD/12-19/2012 dated 11th December, 2012 shall consider and remove such anomalies from time to time referred to the competent authority.

25. Repeat. Any rules, orders or instructions enforced respect of the PATA Levies Force, immediately before the commencement of these rules shall stand repealed in so far as these rules, orders or instructions are inconsistent with the rules.

Secretory Hame & Tribal Affair's Department Government of Knyber Pakhtunkhwa









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KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 15th FEBRUARY, 2013.

SCHEDUEL - II (seeRule 10)

Grounds of penalty

The concerned authority may impose one or more penalties, where a personnel of the Force, in the opinion of the authority:

- is inefficient or has ceased to be efficient; a.
- is guilty of misconduct. like unauthorized absence from leave, breach of older, disobedience, unruly behavior, passing on official secrets to unauthorized persons, etc: b.
- is corrupt, or may reasonably be considered corrupt;
- d. is guilty of any violation of duty;
- losses, misplaces or causes harm to a weapon through negligence or lack of maintenance; e.
- ť. Is insubordinate to his superiors;
- is convicted of a criminal offunce; g.
- is guilty of cowardice, or abandons any piquet, fortiess, post or guard which is committed to his charge or which is his duty to defend;
- is engaged in propagation of sectarian, parochial, anti-state views and controversies;
- is engaged or is reasonably suspected of being engaged to excite, cause or conspire to cause or joins in any mutiny, or being present at any mutiny and does not use his utinost
- attempts collective pargaining, conspiring or attempting to call off duty or take procession
- is guilty of omession and commission under the law and rules.
- deserts the service.
- eing a sento, sleeps upon his post or quits it without being regularly relieved or without
- Vithout authority, leaves his commanding officer, or his post or party, to go in search of
- uits his guard, picquet, party or patrol without being regularly relieved or without leave; or ٥.
- Uses oriminal force to; or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or without authority breaks into any house or any other place for plunder, or plunders; destroys, or damages any property of any kind; or
- Internally causes or spreads a false alarm or rumour during action, or in post, camp, lines,



KHYBER PARHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 15th FEBRUARY, 2013. 651

SCHEDULE -IV See Rule 10

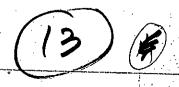
5.0		Subedar Major and Subedar	NaibSubedar or Havaldar	Nalk or Lance Nalk	Sepoy
1	Extra Drill not exceeding fifteen days fatigue or other duties.			Subedar	NalbSubedo
2	Confinement to quarter guard upto	Commandant	Ouriuty Commandant	Deputyi Commandant	Subedar Major
3_	Censure	· do-	do	+do-	-do-
	forfeture of approved service upto two years	-do-	do	-do-	-do-
5	Stoppage of Increment not exceeding one month's pay	-do-	-do-	-do-	·do-
Ö	Fine to any amount not exceeding on month's pay	-do-	-do-	-do-	-do-
7	Withholding of promotion for one year or less.	•do-	-do-	-do-	-du-
8,	Ruduction from substantive rank to a lower rank or reduction in pay.	-da-	-do-	-do-	-60-
ä.	Dismissal or removal from service or compulsory retirement.	-du-	-do-	-do-	-do- i

Printed and published by the Alenager:

ATTESTED









Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department Dated Peshawar the 12th December, 2013



NOTIFICATION

No.So(Levies)HD/FLW/1-1/2013/Vol:1. The competent authority has been pleased to approve further amendments in Schedule-1 of Rule-4(2) and Schedule-III of Rules-17 under Para-10 of the Regulation for PATA Levies Force, 2012 & Rule-24 of the Provincially Administered Tribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013 as under:

Rule-4(2) Schedule-1

SCHEDULE-I See Rule 4 (2)

S.Ņo	Post/, Rank		ligibility for promotion	Promotion Quota	Direct Quota	Qualification
1	Subedar Major (BS-16)		One year service as Subedr			
2	Subedar (BS-13)		one year service as Valb Subedar	100%		
3	Naib Subedar (BS-11)		ne year service as	100%		
4	Ḥawaldar (BS-8)		One year service as Naik	100%		
5	Naik (BS-7 L	ia,	one year service as ance Naik			
6	Lahce Naik (BS-6)		live years' service as Sepoy			
7 .	Sepoy (BS-S)				100%	Middle pass preferably Matric
8	Head Armorer (BPS-5)		Five years' service as Assistant Armorer	100%		Middle pass preferably Matric with Certificate of Armorer
9,	Assistant Armorer (BPS-1)	1 4 3 4 3 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4			100%	Middle pass preferably Matric with Certificate of Armorer

Rule-17 (Retirement). (1) All uniform levy personnel shall retire as per Schedule-III or they may opt for retirement after completion of 25 years of regular service and no extension in service beyond retirement shall be granted.

SCHEDULE-III

<u> </u>		Rule-17(Retirement)
Post/ Rank		length of service / age for retirement.
Subedar Major (BS-16)!	7 years' service or 60 years of age whichever is earlier.
Subedar BS-13		85 years' service or 60 years of age whichever earlier.
Naib Subedar(BS-11)		33 years' service or 60 years of age whichever earlier.
Hawaldar(BS-8		\$1 years' service or 60 years of age whichever earlier.
Nalk(BS-7)	$\left[1_{j,j} \right]$	29 years' service or 60 years of age whichever earlier.
Lance Naik(BS-6		27 years' service or 60 years of age whichever earlier.
Sepoy(B5-5)		25 years' service or 60 years of age whichever earlier.
	Subedar Major(BS-16 Subedar BS-13 Najb Subedar(BS-11) Hawaldar(BS-8 Nalk(BS-7) Lahce Naik(BS-6	Subedar Major(BS-16) Subedar BS-13 Najb Subedar(BS-11) Hawaldar(BS-8 Najk(BS-7) Lahce Najk(BS-6

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GOVERNMENT OF KHYBER PAKHTUNKHWA HOME & TRIBAL AFFAIRS DEPARTMENT

MOTHREATION

MOSSO DEVIES VED PER VIEW / 12 / 2018 AVAIL 19 Partial modification of this Department Notification of even No. dated 12.12.2013, the Competent Authority has been pleased to approve the recommendations of the Anomaly Committee of its meeting held on 28.02.2014 in the Ministry of SAFRON Islamabad, that amendments made in the PATA Levies Force (Amended) Service Rules 2013 shall be effective from 4th February, 2013.

HOME SECRETARY

Endst. No. SO (Levies) HD /1-1/2013 / Vol-1

Dated 17th March, 2014

· Copy forwarded to the:-

- Secretary Ministry of SAFRON, Government of Pakistan, Islamabad.
- AGPR, Khyper Pakhtunkhwa sub office Peshawar . 2.
- 3. Commissioner Malakand Division at Saidu Sharif Swat
- The Deputy Commissioner Chitral, Upper Dir, Lower Dir, Malakand & Swat (They are directed to inform all the affectees through special messenger).
- District Account Officer, Chitral, Upper Dir, Lower Dir, Malakand & 5.
- PS to Secretary to Governor Khyber Pakhtunkhwa 6.
- PS to Chief Secretary Khyber Pakhtunkhwa. Ź.,
- 8.
- Section Officer (Budget) Home Department. Section Officer (Courts) Home Department.
- PS to Secretary Home, Khyber Pakhtunkhwa. 10.

SECTION OF FIORK



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Covernment of Khyber Pulchtunkhwa, Home & Tribat Affairs Department Dated Peshawar the 28th July, 2015

NOTIFICATION

No.So(Levies)HD/FLW/1-1/2013/Vol.1. In sequel to this department partially modified Notification dated 12th December, 2013 and recommendations of the Anomaly Committee constituted under Rules-24 of the (PATA) Federal Levies Force Service (Amended) Rules, 2013 held on 29.01.2015 in the Ministry of SAFRON Islamabad, the Competent Authority has been pleased to make further amendments in Schedule-III of Rules-17 (1) of the rules ibid.

SCHEDULE-III Rule-17(Retirement)

"All uniform evy personnel shall retire as per Schedule-III of the rules ibid and no extension in service beyond refirement shall be granted" in any case.

The competent authority is further pleased to order that criteria for promotion to the post of Superintendent in Schedule 1 of Section-B (Ministerial Staff) of Rule 4(2), the following new row may be added before 9.No.10, as decided by the anomaly committee:

SCHEDULE-I

				1 = 1	1 62 110 11
1	S.No	Post/Rank	Eligibility for Promotion	Direct	Qualification .
: [promotion Quota	Quota	
	10	Superintendent	Five years! 100%.	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	
		(BPS-16)	experience as	1	
			Assistant	<u> </u>	<u> </u>

Note: The above amendments in the (PATA) Federal Levies, Force Service (Amended) Rules, 2013 shall be effective from 4th February, 2013 77-307/2

Secretary to Govt: of Khyber Pakhtunkhwa Home & Tribal Affair Bepartment

Ends No. & dated of even

Copy of the above is forwarded for information and further necessary action to:-

- The Secretary to Government of Pakistan, Ministry of SAFRON, Islamabad with reference to letters No.F.10 (5)-LK/2006 dated 16.02.2015 & 19.03.2015.
- The Commissioner, Malakand Division, Malakand.
- The D.C /Confinandant Levies, Malakand, Swat, Dir Upper, Dir Lower & Chitral
 - Agency /District Accounts Officer Malakand, Swat, Dir Upper, Dir Lower & Chitriff
- 5 PS to Chief Secretary, Khyber Pakhtunkhwa.
- 6. PS to A.C.S (FATA) Secretariat Peshawur...
- Section Officer (Budget) Home Department.
- 18 PS to Secretary Home & Tribal Affairs Department.
 - The Manager Government Printing Press, Peshawar for publication in the official gazette Peshawar as an extra ordinary copy.

ATTESTED







Government of Khyber Palditunkhwa, Home & Tribal Affairs Department

Dated Peshawar the 25.08.2016

D/FLW/1-1/2013/Vol.1. Consequent upon approval of the recommendations of the anomaly committee by Secretary SAFRON received vide his letter No.F.10(5)-LK/2006-Pt dated 04.08.2016, the competent authority has been pleased to partially modify the earlier Notifications of even number dited 12.12.2013 & 17.03.2014 with the following amondments in the levies service rules with immediate effect ;-

The service of Federal Levy Force rendered before 2012 in case of PATA, Khyber Pakhtunkhwa/Settled Districts shall be counted as pensionable.

As Federal Government Employees, Civil Pension Rules will be applicable for all Federal Levy Force serving in PATA/Settled Districts of Khyber Pakhtunkhwa.

Condonation of over stay exceeding the prescribed length of service or age limit shall be allowed on case to case basis with due approval of the competent authority i.e Secretary, SAFRON after full implications are worked out and sent to SAFRON and subsequent approval by Finance Division as the over stay was not the fault of the levy

The tenure of Rank and Service may be included in the Schedule-III of Service Rules for PATA/Settled Districts of Khyber Pakhturkhwa respectively with the following

SCHEDULE-III

- 1	17		SCHEDULE	<u></u>
1.1	SI	Post/Rank	72	7.1.1 P
.	No.		For	To be read as
٠.	1 .	Subedar	97.00	
1	1	Major	37 years service or 60	37 years service or 03 years service
		(BS-16)	years of age whichever is earlier.	I TO CHOOSE INTRINSPORTED IN
۱' ۰	2	Subedar	35 years	EXAMPLE ENTIRE
.		(BS-13)	VARMO ACAMA STATES	35 years service or Os
		<u> </u>	years of age whichever is earlier.	I TOUGHOUS DI DI VANEN EN
-;	· 3· ·	Naib Subedar	77	·· THILLICVER IQ. AARRILL
- }		(BS-11)	33 years service or 60	JJ years service or 02
ļ				
•				whichever is earlier.

Ends No. & dated of even.

Secretary to Govt: of Khyber Pakhtunkhwa Home & Pribal Affair Department

Copy of the apove is forwarded for information and further necessary action to:-

The Secretary to Government of Pakistan, Ministry of SAFRON, Islamabad with reference to letters No.F. 10 (5): LK/2006/Pt. disted: 04.08.2016.

2.3

The Commissioner Hazara, Malakand, Kohara Bannu for information.
The D.C /Commandant Levies, Malakand, Dir Upper, Dir Lower, Swat, Chitral, Hangu, Kohat, Karak, Lakki Marwat & Torghar.

Agency / District Account Officer Malakand, Dir Upper, Dir Lower, Swal, Chitral, Hangli, Kohat, Karak, Lakki Marwat & Torghan

Section Officer (Budget) Home Department

6

Section Officer (Court) Home Department. 7.

PS to Secretary Home & Tribal Affairs Department. The Manager Government Printing Press, Peshawar for publication in the official 8

MNEXURE -C-(7)



GOVERNMENT OF KHYBER PAKHTUNKHWA HOME & TRIBAL AFFAIRS DEPARTMENT

Deted Peshawar 28 November, 2018

NOTIFICATION

No. SOPOLICE-ID/HD/2-1/018/: Consequent upon the recommendations of Departmental Promotion Committee (DPC) in its meeting held on 26.10.2018, t competent authority (Home Secretary) is pleased to promote Subedar FaridUliah district Malakand Levies to the rank of Subedar Major and post him as Subedar Maj Malakand Levies in District Malakand against the vacant post with immediate effect.

He shall remain on probation as per Rule-5 of the Federal Levies For (Amended) Rules, 2013.

> HOME SECRETARY KHYBER PAKHTUNKHWA

Ends No. & dated of even.

Copy of the above is forwarded for information and necessary action to:-

- 1. The Secretary SAFRON Government of Pakistan Islamahad.
- 2. The Commissioner, Malakand Division, Saidu Sharif, Swat.
- 3. The Deputy Commissioner / Commandant Levies, Malakand.
- 4. The District Account Officer, Malakand.
- 5. PS to Secretary Home & Tribal Affairs Department.

6. Officials.

SECTION OFFICER (POLICE-I

BETTER COPY OF PAGE-

GOVERNMENT OF KHYBER PAKTHUNKWHA HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar 28 November, 2018

NOTIFICATION

No. SO(POLICE-II)/HD/2-1/018/: Consequent upon the recommendations of the Departmental Promotion Committee (DPC) in its meeting held on 26.10.2018, the competent authority (Home Secretary) is pleased to promote Subedar Faridullah District Malakand Levies to the rank of Subedar Major and post him as Subedar Major Malakand Levies in District in District Malakand agisnt the vacant post with immediate effect.

He shall remain on probation as per Rule-5 of the Federal Levies for (Amended) Rules, 2013.

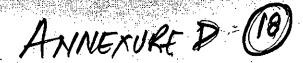
HOME SECRETARY KHYBER PAKHTUNKWHA

Endst: No. & dated of even.

Copy of the above is forwarded for information and necessary action to:-

- 1. The Secretary SAFRON Government of Pakistan Islamabad.
- 2. The Commissioner, Malakand Division, Saidu Sharif, Swat.
- 3. The Deputy Commissioner/Commandant Levies, Malakand.
- 4. The District Account Officer, Malakand.
- 5. PS to Secretary Home & Tribal Affairs Department.
- 6. Officials.





CHARGE REPORT

In pursuance of the order of Secretary Home & TA's Department, Khyber Pakhtunkhwa, Peshawar issued vide No.SO(Police-II)HD/2-1/018/: dated 28-11-2018, I assumed the charge of the Post of Subedar Major, Malakand Levies today i.e. 28-11-2018(AN).

(FARID ULLAH)
SUBEDAR MAJOR, MALAKAND LEVIES

No. 1431-36 /SM Dated 28-11-2018 Copy forwarded to the:

- 1. DC/Commandant Malakand Levies for information, please.
- 2. Additional Deputy Commissioner, Malakand at Batkhela, for information, please.
- 3. Secretary to Commissioner, Maiakand Division at Saldu Sharif, Swat, for information, please.
- Section Officer (Police-II), Government of Khyber Pakhtunkhwa Home & TA's Department, Khyber Pakhtunkhwa, Peshawar for information with reference to his letter No. SO(Police-II)HD/2-1/018/: dated 28-11-2018, please.
- 5. District Accounts Officer, Malakand for information and necessary action, please.
- 6. Superintendent Malakand Levies, for information.

(FARÍD ULLAH) SUBEDAR MAJOR, MALAKAND LEVÎES

CO2 ATTESTED

ANNEXURE - E

BEFORE THE FEDERAL SERVICE TRIBUNAL, ISLAMABAD

APPEAL NO. 344 (P) 5/2019

Mr. Amir Nawab, Subedar (BPS-13),	
Malakand Levies at Malakand.	
***************************************	APPELLANT

VERSUS

- **1-** The Govt. of Pakistan through Secretary SAFRON, Pak Secretariat, Islamabad.
- **2-** The Secretary Home and Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Deputy Commissioner/ Commandant Malakand Levies, District Malakand.
- 4- Mr. Farid Ullah, Subedar Major (BPS-16), Malakand Levies at Malakand.

APPEAL UNDER SECTION 4 OF THE FEDERAL SERVICE TRIBUNAL ACT, 1973 AGAINST THE IMPUGNED NOTIFICATION DATED 28.11.2018 WHEREBY JUNIOR TO THE APPELLANT I.E. PRIVATE RESPONDENT NO. 4 HAS BEEN PROMOTED TO THE RANK OF SUBEDAR MAJOR (BPS-16) WHILE THE APPELLANT HAS BEEN IGNORED INSPITE OF SENIORITY & FITNESS AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned Notification dated 28.11.2018 may very kindly be set aside and the respondents may be directed to consider the appellant for promotion to the Rank of Subedar Major (BPS-16) w.e.f. the date when the private respondent No. 4 had been promoted i.e. with effect from 28.11.2018 with all consequential benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.



R/SHWETH: ON FACTS:

- 1. That initially the appellant was appointed as Sepoy (BPS-5) in the respondent's Department on 1.4.1985. That later on the appellant was promoted to the Ranks of Lance Naik, Naik, Havaldar and Subedar (BPS-13) vide orders mentioned in the seniority list prepared for the employees of Malakand Levies. Copy of the Seniority list showing the dates of appointment and promotions is attached as Annexure
- 2. That the respondent Department Framed/formulated service structure for the Levies personnel vide Notification dated 4.2.2013 whereby the method for recruitment of Subedar Major (BPS-16) has been mentioned as 100% by promotion on the basis of seniority cum fitness from amongst Subedars (BPS-13). Copy of the Rules are attached as annexure.
- 3. That according to the seniority list already attached as annexure-A the appellant being the senior most employee of the respondent Force has been Ranked at Serial No.1 of the Seniority list. That appellant was quite hopeful for his promotion to the Rank of Subedar Major (BPS-16) due to his excellent record of service and having seniority cum fitness.
- That feeling aggrieved from the impugned Notification dated 28.11.2018 the appellant preferred Departmental Appeal dated 19.12.2018 before the respondent No.2 but till date no action has been taken by the respondent No.4 on the Departmental appeal of appellant. Copy of Departmental Appeal is attached as Annexure
- 6. That appellant feeling highly aggrieved and having no other remedy filed the instant appeal on the following grounds amongst the others.





GROUNDS:

- A- That the impugned Notification dated 28.11.2018 issued by the respondents are against the law, facts, norms of natural justice & materials on record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the impugned Notification dated 28.11.2018 are based on malafide and arbitrary intentions of the respondents hence not tenable in the eye of law and liable to be set aside.
- D- That the impugned Notification dated 28.11.2018 issued by the respondents is not in accordance to the seniority list issued by the respondents and as such the same is violative of section-9 of the Civil servant Act, 1973 read with Rule 7 of the Appointment, promotion and transfer Rules.
- E- That, the act of the respondents by ignoring the appellant from promotion to the Rank Subedar Major (BPS-16) inspite of seniority and eligibility is squarely falls within the violation of law and Rules.
- F- That according to Article 38 (e) of the Constitution of Pakistan 1973 state is bound to reduce disparity in the income and earnings of individuals including persons in the services of Federation.
- G- That the impugned Notification dated 28.11.2018 is based on discrimination and as such not tenable in the eye of natural justice.
- B
- H- That it is crystal clear from the final seniority list of Subedar that appellant is senior than the private respondent No.4 but inspite of that the appellant was ignored from promotion to the Rank of Subedar Major (BPS-16).
- I- That according to the service Rules of the Federal levies Force dated 4.2.2013 the Post of Subedar Major (BPS-16) has to be fill up on the basis of seniority cum fitness from amongst senior most Subedar and as such the appellant being the senior most employee of the respondent Force is entitle to be promoted to the Rank of Subedar Major (BPS-16) but inspite of that the respondents promoted the private respondent No.4.



J- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may very graciously be accepted as prayed for.

Dated: 3-4-2019

APPELLANT

AMTR NAWAR

THROUGH:

NOOR MOHAMMAD KHATTAK

MUHAMMAD MAAZ MADNI ADVOCATES





Judgement Sheet IN THE FEDERAL SERVICE TRIBUNAL, ISLAMABAD

BEFORE

Qazi Khalid Ali, Chairman and Raja Hasan Abbas, Member

ANNEXORE-F

S. No.	Appeals No.	Appellants	Date of
	22/21/22/22		Institution
1.	87(P)CS/2019	Mr. Sher Gulab, Ex-Sepoy, S/o Bacha Syed,	18.01.2019
		R/o Shandai Morh, Shandai, P.O. Khar,	1.
		Tehsil Khar, District Bajaur	
2.	88(P)CS/2019	Najeeb Ullah, Ex-Sepoy, S/o Shina R/o	18.01.2019
		Bara Laghary, P.O. Tarkho, Tehsil	1
		Mamund, District Bajaur	
3.	89(P)CS/2019	Saleem, Ex-Sepoy, S/o Saeed ur Rehman,	18.01.2019
	ł	R/o Meena Mamund P.o. Tarkho, Tehsil	
		Mamond, District Bajaur Agency	
4.	1118(P)CS/2017	Bacha Muhammad, Ex-Sepoy S/o Gul	18.10.2017
]	Muhammad, R/o Gang, P.O. Khar, Tehsil	/ / / / / / / / / / / / / / / / / / / /
		Khar, District Bajaur Agency.]
5.	1221(P)CS/2017	Muhammad Yar, Ex-Sepoy, R/o P.O.	06.12.2017
	, ,	Raghagan, Odigerum, Salarzai, District	00.12.2017
		Bajaur Agency.	
6.	862(P)CS/2018	Shireen, Havaldar, S/o Painda Khan R/o	15.05.2018
		Pashat P.O. Khar, Tehsil Salarzai, District	2107.6016
		Bajaur Agency.	1_ 1
7.	85(P)CS/2019	Saur Khan, Ex-Sepoy, S/o Chamni Khan,	18 01 2010
	(.)	R/o Mano Dherai, P.O. Gharday Tehsil	18.01.2019
		Utman Khel, District Bajaur Agency.]
8.	86(P)CS/2019	Jamal ud Din, Ex-Sepoy, S/o Manawar, R/o	
	30(1)02,72017	Odigram, P.O. Raghgan, Tehsil Salarzai,	18.01.2019
		District Bajaur Agency.	
9.	93(P)CS/2019	Ummer Rehman S/o Wali Muhammad,	
,	25(1)C5/2019	Grander Brands Brands Brands	07.02.2019
	÷	Ex-Khasadar, R/o Lagha Post Office	
		Annayat Kalay, Tehsil Memond, District	
10.	94(P)CS/2019	Bajaur Agency.	
	77(1)(3/2019	Mudeer Khan S/o Muhammad Noor, Ex-	07.02.2019
		Sepoy R/o Lagha Post Office Annayat	1
′		Kalay, Tehsil Memond, District Bajaur	
11.	95(P)CS/2019	Agency.	
```	75(1 JC 3/2019	Abdul Azim Jan, Ex-Khasadar, Reg # 3700, Bajour Levies	07.02.2019
12.	264(P)CS/2019	Daniel Plan C/ M. C.	
	207(1)03/2019	Hayyat Khan S/o Mian Gul Jan Ex-	21.03.2019
ļ	•	Khasadar, R/o Gaga Post Office Teshil	
13.	1008(P)CS/2018	Mamond, District Bajaur Agency.	
	1000(1)(30/20/4	Baz Muhammad, Ex-Sepoy, S/o Sher	08.06.2018
	• •	Muhaminad R/o Tarkho, P.O. Khar, Tehsil	i
14.	1010(P)CS/2018	Barang, District Bajaur Agency.  Muhammad Khan, Ex-Senoy S/G	
,	1410(1)000(20)4		08.06.2018
	•	Muhammad Ahaz, R/o Tarkho P.O. Khar,	
		Tehsil Barang, Ex-Sepoy, District Bajaur Agency.District Bajaur Agency.	
15.	1011(P)CS/2018	Fos Khan, Ex-Sepoy, S/o Ahwan, R/o Kat	20.04.25.5
		Kot P.C. Tarkho Tehsil Barang, District	08.06.2018
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16.	1019(P)CS/2018	Abdul Rehman, Ex-Sepoy, S/o Nadir Khan,	08 06 2010
	· · · · · · · · · · · · · · · · · · ·	R/o Bati Khar, District Bajaur Agency.	08.06.2018
17.	1022(P)CS/2018	Muhammad, Ex-Sepoy, S/o Murad Gul R/o	00 06 2010
}	1.7=0.0010	Tarkho P.O. Khar, Tehsil Barang, District	08.06.2018
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1028(P)CS/2018   Sultan Muhammad, Ex-Sepoy, S/o Abdul Ameen, R/o Khar, Tehsil Salarzai, District Bajaur Agency.   23.   1030(P)CS/2018   Sardar Alam, Ex-Sepoy, S/o Muhammad Alam, R/o Tarkho, P.O. Khar, Tehsil Khar, District Bajaur Agency.   Noor Sim, Ex-Sepoy, S/o Saz Noor, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.   Noor Sim, Ex-Sepoy, S/o Saz Noor, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.   Waheed Ullah, Ex-Sepoy, S/o Lal Khan, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.   Qadir Khan, Ex-Sepoy, S/o Hazrat Gul R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.   Niaz Muhammad, Ex-Sepoy, S/o Taj Muhammad Said, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.   Os.06.2018   R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.   Os.06.2018   R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.   Nacem Ex-Sepoy, S/o Behram Khan R/o Dahar Barsadin, P.O. Pasht Salarzai, District Bajaur Agency.   Nacem Ex-Sepoy, S/o Syed Akbar Khan, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.   Os.06.2018   Nacem Ex-Sepoy, S/o Syed Akbar Khan, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.   Os.06.2018   Nacem Ex-Sepoy, S/o Syed Akbar Khan, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.   Os.06.2018   Nacem Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.   Os.06.2018   Os.06.2018   Nacem Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.   Os.06.2018   Os.			Agency	
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Alam, R/o Tarkho, P.O. Khar, Tehsil Khar, District Bajaur Agency.	~~	1030/D/CC/2019	Sarder Alam Ex-Senov S/o Muhammad	08.06.2018
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26.         1033(P)CS/2018         Qadir Khan, Ex-Sepoy, S/o Hazrat Gul R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.         08.06.2018           27.         1035(P)CS/2018         Niaz Muhammad, Ex-Sepoy, S/o Taj Muhammad Said, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.         08.06.2018           28.         1036(P)CS/2018         Gul Bar Gul, Ex-Sepoy, S/o Alam Khail R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.         08.06.2018           29.         1037(P)CS/2018         Naeem Ex-Sepoy, S/o Behram Khan R/o Dabar Barsadin, P.O. Pasht Salarzai, District Bajaur Agency.         08.06.2018           30.         1038(P)CS/2018         Asmad Yar, Ex-Sepoy, S/o Syed Akbar Khan, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.         08.06.2018           31.         1042(P)CS/2018         Noor Muhammad, Ex-Sepoy, S/o Niaz Muhammad, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.         08.06.2018           32.         1043(P)CS/2018         Naseeb Shuh, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.         08.06.2018           33.         1044(P)CS/2018         Naseeb Shuh, Ex-Sepoy, S/o Chaman R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.         08.06.2018           34.         1088(P)CS/2018         Fazal Ameen, Ex-Sepoy, S/o Musharaf, R/o Sadiq Abad Paktak, P.O. Khar, District Bajaur Agency.         10.07.2018           35.         1349(P)CS/2018			R/o Tarkho, P.O. Khar, Tehsil Barang,	Ì
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Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.	26.	1033(P)CS/2018	Qadir Khan, Ex-Sepoy, S/o Hazrat Gul R/o	08.06.2018
Bajaur Agency.   Niaz Muhammad, Ex-Sepoy, S/o Taj Muhammad Said, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.   O8.06.2018			Tarkho P.O. Khar, Tehsil Barang, District	ł
27.         1035(P)CS/2018         Niaz Muhammad, Ex-Sepoy, S/o Taj Muhammad Said, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.         08.06.2018           28.         1036(P)CS/2018         Gul Bar Gul, Ex-Sepoy, S/o Alam Khail R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.         08.06.2018           29.         1037(P)CS/2018         Nacem Ex-Sepoy, S/o Behram Khan R/o Dabar Barsadin, P.O. Pasht Salarzai, District Bajaur Agency.         08.06.2018           30.         1038(P)CS/2018         Asmad Yar, Ex-Sepoy, S/o Syed Akbar Khan, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.         08.06.2018           31.         1042(P)CS/2018         Noor Muhammad, Ex-Sepoy, S/o Niaz Muhammad, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.         08.06.2018           32.         1043(P)CS/2018         Naseeb Shah, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.         08.06.2018           33.         1044(P)CS/2018         Anwar Ex-Sepoy, S/o Chaman R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.         08.06.2018           34.         1088(P)CS/2018         Fazal Ameen, Ex-Sepoy, S/o Musharaf, R/o Sadiq Abad Paktak, P.O. Khar, District Bajaur Agency         10.07.2018           35.         1349(P)CS/2018         Siraj ud Din, Ex-Sepoy, S/o Malak Toor Khan R/o P.O. Khar, Tehsil Salarzai, District Bajaur Agency         16.08.2018           36.         1350(P)CS/2018         Muhammad Zada, Ex-Sepoy			Bajaur Agency.	
Muhammad Said, R/o Tarkho P.O. Khar, Tehsil Barung, District Bajaur Agency.   28.   1036(P)CS/2018   Gul Bar Gul, Ex-Sepoy, S/o Alam Khail R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.   29.   1037(P)CS/2018   Nacem Ex-Sepoy, S/o Behram Khan R/o Dabar Barsadin, P.O. Pasht Salarzai, District Bajaur Agency.   30.   1038(P)CS/2018   Asmad Yar, Ex-Sepoy, S/o Syed Akbar Khan, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.   31.   1042(P)CS/2018   Noor Muhammad, Ex-Sepoy, S/o Niaz Muhammad, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.   32.   1043(P)CS/2018   Naseeb Shah, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.   33.   1044(P)CS/2018   Anwar Ex-Sepoy, S/o Chaman R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.   34.   1088(P)CS/2018   Fazai Ameen, Ex-Sepoy, S/o Musharaf, R/o Sadiq Abad Paktak, P.O. Khar, District Bajaur Agency   35.   1349(P)CS/2018   Siraj ud Din, Ex-Sepoy, S/o Malak Toor Khan R/o P.O. Khar, Tehsil Salarzai, District Bajaur Agency   Muhammad Zada, Ex-Sepoy, S/o Lajbar, R/o Kher Kano, P.O. Khar, Tehsil Salarzai, District Bajaur Agency   36.   1350(P)CS/2018   Gul Zada, Ex-Sepoy, S/o Pachay, R/o Hayat e Skandaro, P.O Karoee, Tehsil Utmankhel, District Bajaur Agency   37.   1351(P)CS/2018   Gul Zada, Ex-Sepoy, S/o Pachay, R/o Hayat e Skandaro, P.O Karoee, Tehsil Utmankhel, District Bajaur Agency   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.   37.	77	1035(P)CS/2018	Niaz Muhammad, Ex-Sepoy, S/o Taj	08.06.2018
Tehsil Barang, District Bajaur Agency.	27.	1035(1)00.2010	Muhammad Said, R/o Tarkho P.O. Khar,	
28.         1036(P)CS/2018         Guł Bar Gul, Ex-Sepoy, S/o Alam Khail R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.         08.06.2018           29.         1037(P)CS/2018         Nacem Ex-Sepoy, S/o Behram Khan R/o Dabar Barsadin, P.O. Pasht Salarzai, District Bajaur Agency.         08.06.2018           30.         1038(P)CS/2018         Asmad Yar, Ex-Sepoy, S/o Syed Akbar Khan, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.         08.06.2018           31.         1042(P)CS/2018         Noor Muhammad, Ex-Sepoy, S/o Niaz Muhammad, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.         08.06.2018           32.         1043(P)CS/2018         Naseeb Shah, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.         08.06.2018           33.         1044(P)CS/2018         Anwar Ex-Sepoy, S/o Chaman R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.         08.06.2018           34.         1088(P)CS/2018         Anwar Ex-Sepoy, S/o Chaman R/o Tarkho, P.O. Khar, Tehsil Bajaur Agency.         10.07.2018           35.         1349(P)CS/2018         Siraj ud Din, Ex-Sepoy, S/o Musharaf, R/o Sailq Abad Paktak, P.O. Khar, District Bajaur Agency         16.08.2018           36.         1350(P)CS/2018         Siraj ud Din, Ex-Sepoy, S/o Malak Toor Khan R/o P.O. Khar, Tehsil Salarzai, District Bajaur Agency         16.08.2018           37.         1351(P)CS/2018         Gul Zada, Ex-Sepoy, S/o Pachay, R/o Haynt e Skandaro, P.O.			Tehsil Barang, District Baiaur Agency.	
R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.  Nacem Ex-Sepoy, S/o Behram Khan R/o Dabar Barsadin, P.O. Pasht Salarzai, District Bajaur Agency.  30. 1038(P)CS/2018 Asmad Yar, Ex-Sepoy, S/o Syed Akbar Khan, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.  Noor Muhammad, Ex-Sepoy, S/o Niaz Muhammad, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Chaman R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.  1088(P)CS/2018 Fazal Ameen, Ex-Sepoy, S/o Musharaf, R/o Sadiq Abad Paktak, P.O. Khar, District Bajaur Agency  11049(P)CS/2018 Siraj ud Din, Ex-Sepoy, s/o Malak Toor Khan R/o P.O. Khar, Tehsil Salarzai, District Bajaur Agency  Naseeb Shah, Ex-Sepoy, S/o Malak Toor Khan R/o P.O. Khar, Tehsil Salarzai, District Bajaur Agency  11044(P)CS/2018 Muhammad Zada, Ex-Sepoy, S/o Lajbar, R/o Kher Kano, P.O. Khar, Tehsil Salarzai, District Bajaur Agency  11045(P)CS/2018 Gul Zada, Ex-Sepoy, S/o Pachay, R/o Hayatt e Skandaro, P.O Karoee, Tehsil Utmankhel, District Bajaur Agency	70 -	1036(12)(25/2018	Gul Bar Gul, Ex-Sepov, S/o Alam Khail	08.06.2018
District Bajaur Agency.  Nacem Ex-Sepoy, S/o Behram Khan R/o Dabar Barsadin, P.O. Pasht Salarzai, District Bajaur Agency.  Nacem Ex-Sepoy, S/o Behram Khan R/o Dabar Barsadin, P.O. Pasht Salarzai, District Bajaur Agency.  Asmad Yar, Ex-Sepoy, S/o Syed Akbar Khan, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.  Noor Muhammad, Ex-Sepoy, S/o Niaz Muhammad, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Chaman R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Musharaf, R/o Sadiq Abad Paktak. P.O. Khar, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Musharaf, R/o Sadiq Abad Paktak. P.O. Khar, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Malak Toor Khan R/o P.O. Khar, Tehsil Salarzai, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Malak Toor Khan R/o P.O. Khar, Tehsil Salarzai, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Pachay, R/o Haynt e Skandaro, P.O. Khar, Tehsil Salarzai, District Bajaur Agency.  Naseeb Shah, Ex-Sepoy, S/o Pachay, R/o Haynt e Skandaro, P. O Karoee, Tehsil Utmankhel, District Bajaur Agency.	-0.	1030(1)03/2016	R/o Tarkho P.O. Khar Tehsil Barang.	
1037(P)CS/2018   Naeem Ex-Sepoy, S/o Behram Khan R/o Dabar Barsadin, P.O. Pasht Salarzai, District Bajaur Agency.   30.   1038(P)CS/2018   Asmad Yar, Ex-Sepoy, S/o Syed Akbar Khan, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.   31.   1042(P)CS/2018   Noor Muhammad, Ex-Sepoy, S/o Niaz Muhammad, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.   32.   1043(P)CS/2018   Naseeb Shah, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.   33.   1044(P)CS/2018   Anwar Ex-Sepoy, S/o Chaman R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.   34.   1088(P)CS/2018   Fazal Ameen, Ex-Sepoy, S/o Musharaf, R/o Sadiq Abad Paktak, P.O. Khar, District Bajaur Agency   35.   1349(P)CS/2018   Siraj ud Din, Ex-Sepoy, s/o Malak Toor Khan R/o P.O. Khar, Tehsil Salarzai, District Bajaur Agency   16.08.2018   1350(P)CS/2018   Muhammad Zada, Ex-Sepoy, S/o Lajbar, R/o Kher Kano, P.O. Khar, Tehsil Salarzai, District Bajaur Agency   16.08.2018   1351(P)CS/2018   Gul Zada, Ex-Sepoy, S/o Pachay, R/o Haynt e Skandaro, P.O Karoee, Tehsil Utmankhel, District Bajaur Agency   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08.2018   16.08	1			,
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District Bajaur Agency.  30. 1038(P)CS/2018	29	1037(F)C3/2010	Dabar Barsadin P.O. Pasht Salarzai	
30. 1038(P)CS/2018 Asmad Yar, Ex-Sepoy, S/o Syed Akbar Khan, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.  31. 1042(P)CS/2018 Noor Muhammad, Ex-Sepoy, S/o Niaz Muhammad, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.  32. 1043(P)CS/2018 Naseeb Shah, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.  33. 1044(P)CS/2018 Anwar Ex-Sepoy, S/o Chaman R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.  34. 1088(P)CS/2018 Fazal Ameen, Ex-Sepoy, S/o Musharaf, R/o Sadiq Abad Paktak, P.O. Khar, District Bajaur Agency  35. 1349(P)CS/2018 Siraj ud Din, Ex-Sepoy, S/o Malak Toor Khan R/o P.O. Khar, Tehsil Salarzai, District Bajaur Agency  36. 1350(P)CS/2018 Muhammad Zada, Ex-Sepoy, S/o Lajbar, R/o Kher Kano, P.O. Khar, Tehsil Salarzai, District Bajaur Agency  37. 1351(P)CS/2018 Gul Zada, Ex-Sepoy, S/o Pachay, R/o Hayat e Skandaro, P. O Karoee, Tehsil Utmankhel, District Bajaur Agency	1			
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35. 1349(P)CS/2018 Siraj ud Din, Ex-Sepoy, s/o Malak Toor Khan R/o P.O. Khar, Tehsil Salarzai, District Bajaur Agency  36. 1350(P)CS/2018 Muhammad Zada, Ex-Sepoy, S/o Lajbar, R/o Kher Kano, P.O. Khar, Tehsil Salarzai, District Bajaur Agency  37. 1351(P)CS/2018 Gul Zada, Ex-Sepoy, S/o Pachay, R/o Haynt e Skandaro, P. O Karoee, Tehsil Utmankhel, District Bajaur Agency	1		· ·	,
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37. 1351(P)CS/2018 Gul Zada, Ex-Sepoy, S/o Pachay, R/o Hayat e Skandaro, P. O Karoee, Tehsil Utmankhel, District Bajaur Agency			District Bajaur Agency	
e Skandaro, P. O Karoee, Tehsil Utmankhel, District Bajaur Agency	17	1351/0000/2018	Gul Zada, Ex-Sepoy, S/o Pachay, R/o Havut	16.08.2018
District Bajaur Agency	٠,٠	1331(1)(3/2016	e Skandaro, P. O Karoee, Tehsil Utmankhel.	
	1		District Bajaur Agency	
36. 13771 (03201)	20	377(P)CS/2010	Nisar Khan Ex-Sepov. S/o Nadir Khan R/o	23.0/1.2019
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		Mano Dheri, P.O. Gardai, Tehsil Utman	
39.	781/0)/28/2017	Khel, merged District Bajaur Agency	
39.	781(P)CS/2017	Abdullah Jan, Naib Subedar, R/o Reedo	
	with MP	Shah Gai, Yusuf Abad, P.O. Khar, Raado	
		Shah Ghai, Tehsil Khar, District Bajaur	
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40.	742(P)CS/2018	Abdullah Jan, Ex-Naib Subedar, S/o	
		Bakhtiar, Reedo Shah Gai, Yusuf Abad,	İ
		P.O. Khar Raado Shah Ghai, Tehsil Khar,	
		District Bajaur Agency	
41.	743(P)CS/2018	Munasib Khan, Ex-Naib Subedar, R/o Mir	18.04.2018
1		Afzal Labour Colony C/o Asar Khan S/o	
		Mashoq Khan Qarter No. 10, District	ŀ
		Mardan	
42.	.744(P)CS/2018	Jan Alam, Ex-Naib Subedar, R/o Mir Afzal	18.04.2018
	+	Labour Colony C/o Asar Khan S/o Mashoq	
		Khan Qarter No. 10, District Mardan	Į.
43.	1441(P)CS/2018	Rehmat Gul, Ex-Subedar Major, S/o	19.10.2018
		Hameed Gul R/o P/o Khar Shah Narai,	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
,		Tehsil Khar District Bajaur Agency	
44.	527(P)CS/2016	Naceni Khan, Ex-Sepoy, S/o Akbar Khan	11.08.2016
		R/o Muharram Ghundai, P.O. Khar, Tehsil	11.00.2010
		Khar, District Bajaur Agency	]
45.	546(P)CS/2016	Mohammad Younas, Ex-Sepoy, R/o	26.08.2016
	1 15(1) 551 511	Mohallah Eid Gah, Tehsil Khar, District	20.08.2016
		Bajaur Agency	
46.	857(P)CS/2018	Muhammad Shah, Ex-Sepoy, S/o Noor	11.05.0010
,	137(1703/2018	Zamin, Ro Ghar Shamozai Barkalay, P.o	11.05.2018
•		Qalangai Sher Batai, Tehsil Barang, District	
		Bajaur Agency	ŀ
47.	858(P)CS/2018	Saeed Gul, Ex-Sepoy S/o Ajab Gul, R/o	11.06.00.00
	1,50(1,705/2010	Sher Batai, P.O. Qalangai, Tehsil Barang,	11.05.2018
	,	District Bajaur Agency	i i
48.	974(P)CS/2018	Muhammad, Ex-Sepoy, S/o Itbar Gul, R/o	25.05.2018
	755,755,755	Tarkho, P.O. Khar, Tehsil Barang, District	23.03.2018
	}	Bajaur Agency	
49.	975(P)CS/2018	Abdul Haq, Ex-Sepoy. S/o Rofat KhanR/o	25.05.2010
	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Muslim Bagh, P.O. Inayat Kalay, District	25.05.2018
		Bajaur Agency.	
50.	976(P)CS/2018	Waheed Ullah, Ex-Sepoy, S/o Gul Nazir.	75.05.2010
	114(7)14(11)	R/o Shah Saray P. O. Pashat Salarzai,	25.05.2018
		District Bajaur Agency.	
51.	980(P)CS/2018	Muhammad Jamshed, Ex-Sepoy, S/o	26.06.2010
	100(1)0010	Muhammad Shah, R/o Garodi, P.O. Gazafi,	25.05.2018
		District Bajaur Agency.	
52.	1409(P)CS/2018	M. Formos Ev Sanavi B/a la la T. (1)	
	1407(1)03/2018	M. Farooq, Ex-Sepoy, R/o ladaee Tarkho,	28.09.2018
53.	1410(P)CS/2018	Tehsil Mannond, District Bajour Agency	
JJ.	1410(1)03/2018	Shah Hussain, Ex-Sepoy, Reg # 5155, District Bajour Agency	28.09.2018
54.	1411(P)CS/2018	Usariet Bajour Agency	
J7.	1411(11)C3/2016	Ikram S/o Syed Ahmad, Ex-Sepoy, R/o	28.09.2018
		Ladaec Tarkho, Tehsil Mamond District	
55.	1412(P)CS/2018	Bajour Agency	, , , , , , , , , , , , , , , , , , ,
	141211/03/2018	Abdullah Ex-Sepoy, R/o Village Shankia	28.09.2018
56,	1431(P)CS/2018	Tehsil Khar, District Bajour Agency	
J.,	, 1431(17)03/2018	Shahzad ur Rehman, Ex-Assistant/Reader	09.10.2018
	i	S/o Haji Rehmat Karim R/o Moh. Kass.	İ
57.	1502/89/20/2010	P.O. Dir, Dit Town, Tehsil Dir, Upper Dir.	
J 1 .	1503(P)CS/2018	Laiq Rehman, Ex-Levy Sepoy, R/o Village	14.11.2018
58.	877(D)(CC/2017	Kot Tehsil Batkhela District Malakand	<u></u> .
JO.	877(P)CS/2017	Feroz S/o Muhammad Shah, Ex-Sepoy R/o	21.06.2017
		Hilal Khail Charmang, Tehsil Nawagai,	
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59.	878(P)CS/2017	Bajaur Agency.	<u> </u>		
13%	0/0(F)C3/201/	Aziz Ullah S/o Gul Zaman, Sepoy, C/o	21.06.2017		
ľ		Fazal Haq R/o Khar, Tehsil Khar, Bajaur			
60.	970(D) 00(D) 15	Agency	L		
00.	879(P)CS/2017	Fazal Haq S/o Muhammad Hakeem, Sepoy,	21.06.2017		
<del></del>		Ro Khar, Tehsil Khar Bajaur Agency.			
61.	880(P)CS/2017	Burhan S/o Gul Zaman, Sepov. C/o Fazal	21.06.2017		
	j .	Haq, R/o Khar, Tehsil Khar, Bajaur			
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62.	263(P)CS/2019	Muhammad Ameen, Ex-Khasadar, R/o	21.03.2019		
1	ĺ	Gaga Post Office, Tehsil Mamond, District			
<u> </u>		Bajaur Agency	-		
63.	91(P)CS/2019	Said Aziz, Sepoy, S/o Saeed Rahim Jan, R/o	04.02.2019		
ļ <u>.                                    </u>	<u> </u>	Aman Kot, District Tribal Bajaur.			
64.	178(P)CS/2019	Liagat Khan, Ex-Sepoy, s/o Abdullah R/o	14.02.2019		
1		Dag Qila P.O. Raghan Tehsil Salarzai.			
ļ	<u> </u>	District Bajaur Agency			
65.	252(P)CS/2019	Habib Rasool, Ex-Sepoy, S/o Bahri Mulk, 20.03,2019			
	1	R/o Mohallah Boodha Baba Oach, Tehsil	20.05,2017		
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(66.)	344(P)CS/2019	Amir Nawah, Subedar, Malakand Levies at	03.04.2019		
ي	With MP	Malakand.	95.04.2017		
67,	831(P)CS/2019	Shaifullah, Sepoy, R/o Anayat Kalay,	08.11.2019		
		Kakah Tehsil Mamond, District Bajaur	90.11,2019		
	`	Agency	•		
68.	832(P)CS/2019	KhanAlam, Sepoy, R/o P.O. Anayat Kalay,	08.11.2019		
		Kakah, Tehsil Mamond District Bajour	00.11.2019		
		Agency.			
69.	833(I')CS/2019	41 1 4 6	08.11.2019		
		Kalay, Kakah, Tehsil Mamond District	00.11.2019		
	1	Bajour Agency.	*		
70.	834(P)CS/2019		08.11.2019		
		Kakah, Tehsil Mamond District Bajour	00.17.2019		
	· ·	Agency.	, [		
71.	835(P)CS/2019		08.11.2019		
•	}	Kalay, Kakah, Tehsil Mamond District	VO.11.2019		
	<u></u>	Bajour Agency.	]		
72.	13(P)CS/2017		11 01 2012		
		No.5010, Malakand Levies, District	11.01.2017		
	<u></u>	Malakand:	ļ		
73.	777(P)CS/2019	Saijad Ali, Sepoy, S/o Ghulam Jan, Villag			
		Kulala, P/o Gardai Tehsil utaman Khel,	1		
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74,	MP No.320/2018	Nasirishan S/o Fateh Mul KhanR/o Village	16.02.2018
	1106(P)CS/2017	Qazafi, Bandagai Marano Sha, Tehsil	10.02.2018
		Utmankhel, District Bajaur Agency	1
75.	MP No.321/2018	Nawab Zada S/o Nadir Khan R/o Shiinkay	16.02.2018
	1116(P)CS/2017	Utmankhel, Tehsil Utankhel, District Bajaur	10.02.2018
	<u> </u>	Agency	-,
76.	MP No.2488/2018	Ismail S/o Imtiaz Jan, Ex-Sepoy, R/o Badi	28.12.2018
	591(P)CS/2015	Samar P.O. Inayat Kaly, District Bajaur	20.12.2010
		Agency	
77.	MP No.2487/2018	Fazal Malik Ex-Sepoy S/o Ghulam Rabani,	28.12.2018
	38(P)CS/2016	R/o Kaga Landi, Tehsil Mamond District	~~
78.		Bajaur Agency	
/K,	MP No.2098/2018	Hameed Ullah S/o Muzanunil Khan Ex-	13.11.2018
	19(P)CS/2014	Sepoy, R/o Alizo Dag, Tehsil Khar, District	
1/5		Bajaur Agency	
<u> 19</u>	MP No.2099/2018	Muhabat Khan, Ex-Sepoy, S/o Rehmat	14.11.2018

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	348(P)CS/2014	Khan R/o Qillah Ali Jan Tehsil Khar,	-
		District Bajaur Agency	21 02 2018
80.	MP No.342/2018 1117(P)CS/2017	Fazal i Wahid r/o Khar, Tehsil Nawagai, District Bajaur Agency	21.02.2018
81.	MP No.343/2018	Bacha Reahim S/o Abdul Saced R/o Madil	21.02.2018
•	1119(P)CS/2017	Dianga, P.O. Khar, District Bajaur Agency	
82.	MP No.344/2018	Mansoor Ahmed S/o Said Muneer R/o	21.02.2018
02.	1120(P)CS/2017	Barani Kandaro P.O. Khar Tehsil Khar,	
	1120(1700/2011	District Bajaur Agency	1
83.	MP No.345/2018	Nisar Khan S/o Khan Bachai R/o Salarzai,	21.02.2018
0.7.	1121(P)CS/2017	Koi, P.O. Raghan Tehsil Khar, District	
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84.	MP No.346/2018	Bacha Rehman s/o Muhammad Yousaf R/o	21.02.2018
UT.	1122(P)CS/2017	Mandal Dianga, P.O Khar, Tehsil Khar,	
	1122(1)(3/2017	District Bajaur Agency	
85.	MP No.347/2018	Amin Ullah S/o Din Muhammad R/o	21.02.2018
٥٥.	1123(P)CS/2017	Momand, Tehsil Salarzai District Bajaur	
	1123(1)03/2017	·	
0.7	MD Ni. 248/2018	Agency Gulab Khan S/o RAzi Khan, R/o Village	21.02.2018
86.	MP No.348/2018	Bajigrm, Tehsil Salarzai, District Bajaur	21.02.2010
	1125(P)CS/2017	, " =	
	140 11 2:0:0015	Agency	21.02.2018
87.	MP No.349/2018	Alif Khan S/o Sharif Khan R/o Village Siya	21.02.2018
	1126(P)CS/2017	Baran, Tehsil Barang, District Bajaur	,
	ļ	Agency	
88.	MP No.350/2018	Yar Muhammad S/o Ali Muhammad R/o	21.02.2018
	1127(P)CS/2017	Village Haryan Kot, Tehsil Barang, District	
		Bajaur Agency	
89.	MP No.351/2018	Faiz Ullah S/o Zubair Khan R/o Village	21,02,2018
	1128(P)CS/2017	Khar, Tehsil Khar, District Bajaur Agency.	
90.	MP No.352/2018	Amir Badshah S/o Shah Zad Mir, R/o	21.02.2018
	1129(P)CS/2017	Village Takht Barang, Tehsil Khar, District	
		Bajaur Agency :	
91.	MP No.353/2018	Abdul Hakim S/o Ahmed Jan R/o Village	21.02.2018
ļ	1130(P)CS/2017	Mano Dherai, Tehsil Utmankhel, District	
		Bajaur Agency	
92.	MP No.354/2018	Muhammad Zada S/o Ali Muhammad R/o	21.02.2018
	1131(P)CS/2017	Village Shinko, Tehsil Utmankhel, District	
[		Bajaur Agency	
93.	MP No.355/2018	Ahmad Yousaf S/o Abdul Wakeel Khan R/o	21.02.2018
	1132(P)CS/2017	P.O. Khar, Tehsil Khar, District Bajaur.	<u> </u>
l .	<u> </u>	Agency	
94.	MP No.356/2018	Rizwan Ullah S/o Gul Nabi, R/o Ali Zo	21.02.2018
Ì	1133(P)CS/2017	Dag, Tehsil Khar, District Bajaur Agency 5	
95.	MP No.357/2018	Abdul Wakeel S/o Sultan Muhammad R/o	21.02.2018
ļ.	1134(P)CS/2017	Ali Zo, P.O. & Tehsil Khar, District Bajaur	l
		Agency	
96.	MP No.358/2018	Israr Khan S/o Nowsherwan R/o Shenky,	21.02.2018
ļ	1135(P)CS/2017	Ali Zai, Tehsil Khar, District Bajaur	<u>_</u>
]		Agency	
97.	MP No.359/2018	Asmat Khan S/o Bakht Zareen R/o Sara	21.02.2018
'.	.1136(P)CS/2017	Cheena Tehsil Kharn, District Bajaur	-
		Agency	
98.	MP No.2144/2016	Shoaib S/o Gulab Karim, Ex-Sepoy, R/o	04.11.2016
'"	340(P)CS/2014	Kot kay Tehsil Salarzai, District Bajaur	
1		Agency	
99.	MP No.352/2017	Ghulam Qadir S/o Kalam Khan, Ex-Sepoy,	10.02.2017
1	211(P)CS/2014	R/o Atkay P.O. Raghgan, Tehsil Salarzai,	
1	1 3 / 2 3 3 3 3	District Bajaur Agency	
100.	MP No.353/2017	Anwar Zeb S/o Said Karim, Ex-Sepoy, R/o	17.11.2014
	301(P)CS/2014	Qamar Dag, Tehsil Khar, District Bajaur	
		· -	



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101.	MP No.354/2017 312(P)CS/2014	Sahib Zada S/o Madali Jan, Ex-Sepoy, R/o Islam Dahri, Utman Khil, District Bajaur Agency	10.02.2017
102.	MP No.1017/2017 584(P)CS/2015	Hussain Badshah, Ex-Sepoy, S/o Amir Nawab, R/o Dag Qila P.O Khar, District Bajaur Agency.	17.04.2017
103.	MP No.935/2017 635(P)CS/2015	Hafiz ur Rehman, Ex-Sepoy, S/o Shams ur Rehman R/o Khar P.O. Khar, District Bajaur Agency.	06.04.2017
104.	MP No.936/2017 10(P)CS/2016	Firdoos Khan, Ex-Sepoy, S/o Zar Muhammad, R/o Guman Kot, P.O. Khar, Tehsil Barang, District Bajaur Agency.	06.04.2017
105.	MP No.937/2017 14(P)CS/2016	Muhammad Sarwar Khan, Ex-Sepoy, S/o Naik Muhamamd R/o Rod Soli Khar Tehsil Salarzai, District Bajaur Agency.	06.04.2017
106.	MP No.934/2017 24(P)CS/2016	Suleman Khan, Ex-Sepoy, S/o Muhammad Gul R/o Skandaro Tehsil Utman Khail District Bajaur Agency	06.04.2017
107.	MP No.938/2017 ' 27(P)CS/2016	Sarwar Ex-Sepoy, S/o Ameer Gul, R/o Qumber P.O. Khar, Teshil Barang, District Bajaur Agency	06.04.2017
108.	MP No.2118/2018 27(P)CS/2014	Nawab Khan S/o Gul Qayum Ex-Sepoy, R/o Nogay Tehsil Khar, District Bajaur Agency	19.11.2018

## Review Petitions.

109.		l Aachan Vlaus Comer 'Cabail Vlau District l	19.06.2019
	RP No.78/2019	Asghar Khan, Sepoy, Tehsil Khar, District	19.00.2019
	711(P)CS/2017	Bajaour Agency.	22.06.0010
110.	RP No.84/2019	Umer Ayub, Sepoy, Tehsil Khar, District	28.06.2019
	720(P)CS/2017	Bajaour Agency.	<del> </del>
111.	RP No.85/2019	Imran, Sepoy, Tehsil Khar, District Bajaour	28.06.2019
	721(P)CS/2017	Agency.	
112.	RP No.86/2019	Nowshad, Sepoy, Tehsil Khar, District	28.06.2019
	722(P)CS/2017	Bajaour Agency.	
113.	RP No.87/2019	Noor Zada, Sepoy, Tehsil Chum, Khar,	28.06.2019
	723(P)CS/2017	District Bajaour Agency.	
114.	RP No.88/2019	Ghulam Younis, Sepoy, Sadiqabad, Tehsil	28.06.2019
	724(P)CS/2017	Khar, District Bajaour Agency.	
115.	RP No.89/2019	Najeeb Ullah, P.O. Sepoy Annayat Kalay,	28.06.2019
·	725(P)CS/2017	Katkoot Tehsil Momand, Bajour Agency.	
116.	RP No.90/2019	Shams ur Rehman, Sepoy Annayat Kalay,	28.06.2019
.,	726(P)CS/2017	Katkoot Tehsil Momand, Bajour Agency.	
117,	RP No.91/2019	Saeed Habib Jan, R. No. 4322, Sepoy,	28.06.2019
	760(P)CS/2017	Bajaur levies, Bajaour Agency Khar	
118.	RP No.92/2019	Abdullah R. No. 3413, Sepoy, Bajaur	28.06.2019
	761(P)CS/2017	levies, Bajaour Agency Khar	
119.	RP No.93/2019	Mozamin, R. No. 4384, Sepoy, Bajatir	28.06.2019*
	762(P)CS/2017	levies, Bajaour Agency Khar	. i. ii.
120.	RP No.94/2019	Saeed Ullah, R. No. 4279, Sepoy, Bajaur	28.06.2010
	763(P)CS/2017	levies, Bajaour Agency Khar	
121.	RP No.95/2019	Imran, R. No. 4769, Sepoy, Bajaur lévics,	28.06.2019
,	764(P)CS/2017	Bajaour Agency Khar	
122.	RP No.96/2019	M. Ayub, R. No. 5806, Sepoy, Bajaur	28.06.2019
	766(P)CS/2017	levies, Bajaour Agency Khar	=3.55.5517
123.	RP No.97/2019	Faizullah R. No. 4366. Sepoy, Bajaur	28.06.2019
	767(P)CS/2017	levies, Bajaour Agency Khar	
124.	RP No.98/2019	Imran Ullah, R. No. 4775, Sepoy, Bajaur	28.06.2019
	768(P)CS/2017	levies, Bajaour Agency Khar	1 23,00,2017

ATTIMATED

Registrar Federal Service Tribunal Islamabad

125.	RP No.99/2019 776(P)CS/2017	Tilia Muhammad, R. No. 4508, Sepoy, Bajaur levies, Bajaour Agency Khar	28.06.2019
126.	RP No.100/2019 777(P)CS/2017	Abdul Rahim, R. No. 5883, Sepoy, Bajaur levies, Bajaour Agency Khar, R/o P.O. Loe Same Sharif Khan Tehsil Nawagai, District Bajour Agency.	28.06.2019
127.	RP No.101/2019 778(P)CS/2017	Rohul Amin, R. No.4293, Sepoy, Bajaur levies, Bajaour Agency Khar, R/o P.O. Loe Same Sharif Khan Tehsil Nawagai, District Bajour Agency.	28.06.2019

Date of Hearing	:	28.11.2019
Date of Judgement		04.12.2019

-:VS:-

### RESPONDENTS

- 1. The Secretary, SAFRON, Islamabad.
- The Additional Chief Secretary, FATA Civil Secretarial (FATA), Warsak Road, Peshawar.
- The Political Agent/Commandant/Deputy Commissioner Bajaur Levies, District Bajaur at Khar.
- 4. Mr. Fareed Ullah, Subedar Major (BS-16), Malakand Levies at Malakand.
- Mr. Muhammad Hussain, N/Subedar, Reg. No.3164, posted in the office of Political agent/commandant/Deputy Commissioner, Bajaur Levies, District Bajaur at Khar.

PRESENT

Mr. Misbahullah Khan, Rana Samreen Akhtar, Noor Muhammad Khattak, Sardar Saleem Akhtar and Amaad Nasir Kundi, Advocates for the Appellants. Ch. Ishtiaq Meherban, Deputy Attorney General for the Federation, Mr. Siraj Haider, Legal Coordinator, M/o SAFRON, Mr. Nisar Khan, Asstt. Accounts Officer, District Accounts Office, Malakand and Mr. Sajjad Ahmad, Litigation Clerk, Deputy Commissioner's Office, Bajaur as DRs and Mian Gulzar Hussain, Advocate for Respondent No.4

## **JUDGEMENT**

## RAJA HASAN ABBAS, MEMBER:-

These appeals and petitions can be categorized into appeals, implementation petitions and review petitions.

2. Appellants are ex-employees of Federal Levies Force. The Competent authority imposed major penalty of dismissal from service in most of the cases on charge of misconduct, whereas in some other cases they were retired. Aggrieved by these orders instant appeals were filed before Federal Service Tribunal which are pending decision. Notices were issued to the respondents i.e. M/o SAFRON, FATA Secretariat through Additional Chief Secretary. FATA and the concerned Political Agent/Commandant.

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Comments/objections were received partially and in most of the cases notices were being issued for submission of the same. In the meantime, Federal Government through 25th Constitutional Amendment Act passed in May, 2018 paved the way for merger of FATA in the province of Khyber Pakhtunkhwa. As a result thereof Government of KPK issued Ordinance I of 2019 (later passed as an Act), in order to allow Federal Levies Force to continue their functions and to regulate and maintain them under the administrative control of Government of KPK. The force was renamed as Khyber Pakhtunkhwa Levies Force under Section 3 of the Act, comprising the Director General, the Deputy Director General, Commandant and all existing strength of members of the Levies Force, working in the merged Districts and Sub-divisions. Above mentioned Officers would be the Officers from Police. Section 9 of the Act provided for absorption of the members of Federal Levies in the Police. Section 9 (2) stipulates that "until their absorption in the police, the members of the Levies Force shall be governed by their existing terms and conditions of service under Federal Levies Force (Service) Rules, 2012.

- 3. It is important to refer to a letter from M/o SAFRON dated 24th April, 2019 addressed to Secretary Home & Tribal Area Department, Government of KPK on the subject pertaining to service matters regarding Levies/Khassadars, admitted in Federal Service Tribunal, Islamabad. It is imperative to reproduce para 2-3 of the letter:-
  - "2. It is stated that consequent to the 25th Constitutional Amendment, the erstwhile PATA and FATA have been merged into the province of Khyber Pakhtunkhwa. Furthermore, on 12th March, 2019 the Government of Khyber Pakhtunkhwa has promulgated two Ordinances whereby the Federal Levy Force and Khassadar Force, stand provincialized. We had already written to the concerned Registrars of Courts and Service Tribunals to delete the name of Secretary, SAFRON from the array of respondents.
  - 3. It is requested that these alongwith future appeals in connection to the Federal Levy Force and Khassadar Force, may now be addressed at your end while ensuring that reports/comments are submitted to Honorable Federal Service Tribunal, Islamabad on the scheduled date of hearings.

ATTIMETED

Registrar Federal Service Tribunal Islamabad



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Another Memorandum from M/o SAFRON dated 18th March, 2019 addressed to Chief Secretary, KPK, Advocate General, KPK and Additional Chief Secretary, Merged Areas Secretariat states as under:-

"Now, therefore all the administrative, legal and ancillary matters, including service appeals, promotions and litigation in respect of both the forces i.e. Levies Force and Khasadar Force have been transferred to the Government of Khyber Pakhtunkhwa and its relevant forums from 12th March, 2019, the date of the issuance of above said Ordinance.

It is clarified that Ministry of States and Frontier Regions (SAFRON) has ceased to be the controlling authority in respect of Levies Force and Khasadar Force working in erstwhile FATA & PATA. All concerned commandants and others Forums may kindly be informed accordingly."

4. It was in this back drop that we had issued Notices to the learned Attorney General for Pakistan in accordance with Orders 27 Rule 1 of CPC to assist the Tribunal with regard to the point of jurisdiction as well s 25th Constitutional Amendment including interpretation of Levies Amendment Rules, 2013. After hearing the learned Deputy Attorney General and counsels of the appellants on 30.07.2019 a detailed order was passed. Relevant portion is reproduced:-

"7. We have carefully considered the arguments. Notwithstanding, the submissions made by the learned counsels, fact of the matter is that Government of Pakistan Ministry of States and Frontier region has made a formal request for their deletion from the list of the respondents in all these appeals with a further request that these matters may now be addressed to Secretary, Home and Tribal Areas Department, Government of Khyber Pakhtunkhwa.

8. By operation of the Ordinance supra and 25th Constitutional Amendment, employees of the Federal Levies and Khässadar Force have become provincial Government employees. In several implementation petitions, which are pending at the moment before the Tribunal, provincial Home and Tribal Area Department have been issued notices of appearance, however, they have shown very lukewarm response. This is despite the fact that notices were served through Chief Secretary, KPK. We are cognizant of the fact that Constitutional and legal provisions allow continuation of proceedings before the Tribunal, however, we are concernate

Registrar Federal Service Tibunal Islamabad



about the practical aspects of the issue. Since the petitioners have become provincial Government employees, no proceedings can move unless the respondent Provincial Government discharges its legal responsibilities.

9. It is therefore, imperative and prudent to direct Secretary Ministry of States and Frontier Region to depute an officer not below the rank of J.S to appear and assist the Tribunal in the matter.

10. Chief Secretary KPK Government is required to direct Secretary Home and Tribal Areas Department to depute an officer not below the rank of Additional Secretary (BS-19) to appear in the pending proceedings before the Tribunal.

11. Advocate General KPK is directed to depute a law officer to appear and assist the Tribunal in the matter on the next date".

- 5. Since then Provincial Government of KPK has been represented twice by learned Assistant Advocate General. He was not present today nor on 18.11.2019. We have not received any written statement on behalf of Government of KPK since 30.07.2019 despite clear direction vide order dated 18.11.2019.
- 6. Today we have heard learned Counsels of the appellants who are also present in large number. Learned Counsels of the appellants stated that the appellants are poor low paid employees. Since their dismissal in 2007-2008, they have been running from pillar to post for getting justice. The constitutional amendment and subsequent legislation has further complicated matters for them. However, the Tribunal is still vested with the jurisdiction as already determined vide order dated 30.07.2019 and the appeals may be decided on merits of each case.
- 7. We are conscious of the fact that the appellants are facing hardship on account of prolonged judicial proceedings. It is however, more dismaying that the respective provincial authorities are not paying due attention to these matters, pending before us. There is an attitude of indifference towards these proceedings. We are afraid even if the pending issues are decided on merit, their implementation would be still more complicated as is the case even now. No meaningful proceedings can take place in the absence of a positive response from Government of Khyber Pakhtunkhwa.

Registra: Federal Service Tribunal Islamabad



(33)

8. We have apprised the learned Counsels of the practical aspects/difficulties and with their consent remand all the pending appeals to the respective competent authority to treat them as pending departmental appeals and decide them afresh after giving the appellants opportunity of personal hearing. These appeals are disposed of in the above terms.

Misc. Petition Nos.320, 321, 2488,2487,2098,2099,/2018, 342 to 359/2017, 2144/2016, 352 to 354, 1017, 935 to 937, 934, 938/2017, 2118/2018

Appeal No.1106, 1116(P)CS/2017, 591(P)CS/2015, 38(P)CS/2016, 19, 348(P)CS/2014, 1117, 1119, 1120 to 1123, 1125 to 1136(P)CS/2017, 340, 211,304, 312(P)CS/2014, 584, 635, 10, 14, 24, 27(P)CS/2016 & 27(P)CS/2014

Above Misc. Petitions were filed seeking implementation of judgement dated 11.05.2015 and 30.10.2017. Whereas vide order dated 3010.2017 direction were given for deciding pending departmental appeals, vide judgment dated 11.05.2015 directions were given for reinstatement of the appellants. However, for the question of back benefits it was directed to decide the same in accordance with instructions contained in Sl. No. 155 of ESTACODE (Edition 2007 Volume-II). The Petitioner have been reinstated however, through these petitions the issue of implementation of the order for determination of back benefits was raised. The respondents, despite repeated notices failed to respond and provide the latest status about implementation of the judgement.

10. These petitions are also remanded to the competent authority for implementation in the light of the direction of the Tribunal in Judgements dated 11.05.2015 and order dated 30.10.2017. A compliance report be furnished to the Registrar of the Federal Service Tribunal by first week of February, 2020. The petitions stand disposed of.

Registrar Federal Service Tribum Islamabed







## Review Petition Nos.78, 84 to 101/2019

# Appeal No.711, 720 to 726, 760 to 764, 766 to 768, 776 to 778(P)CS/2017

This brings us to the above titled review petitions which were disposed of vide order dated 20.05.2019.

- 12. It is contended that the appellants were given to understand that with the promulgation of 25th Amendment, Federal Service Tribunal had been divested of jurisdiction. The provincial authorities were not inclined to listen to their grievances and it would be travesty of justice if they are left without any forum to seek justice.
- because of the limitation of scope of review. However, keeping in view the facts that finer legal aspects of the issues arising out of the merger of tribal areas and their administrative setup in KPK were beyond their comprehension and they might not have got the necessary assistance to pursue their appeals, we are inclined to accept these review petitions. As a result thereof the appeals are restored to their original numbers. The directions in para 8 of the judgement would apply mutatis mutandis in these appeals also.
- Copies of the orders be sent to Chief Secretary KPK, Secretary, Home KPK, Commandant Levies Force, KPK for ensuring implement % of the judgment and submission of a report within three months to Registrar of the Federal Service Tribunal. Copy of the judgment be also sent to Secretary, M/o SAFRON and Secretary, Establishment Division.

15. No order as to costs. Parties will be informed.

J' MENBER

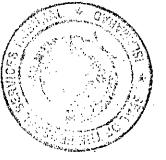
CHAIRMAN

*Gulzar* 04,12,2019

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Registrar
Foderal Service Tribunal
Islamabad

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11-12-2019 11-12-2019 11-12-2019 12-12-2019

机价管格点:

B

To

35) ANNEXURE-G

THE HONOURABLE SECRETARY,

Home Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

Subject:

APPLICATION FOR DECIDING SERVICE APPEAL AS THE APPLICANT AS PER FEDERAL SERVICE TRIBUNAL DECISION DATED 04-12-2019 WITHIN THE STATUTORY PERIOD OF 60 DAYS

R/Sir,

Most respectfully, it is stated that I am working as Subedar (BPS-14) under the control of Deputy Commissioner Malakand Levies. I am the most senior Subedar amongst my colleagues in the rank of Subedar as per seniority list, but unfortunately One Mr. Fareed Ullah who was at Serial No. 6 of the Seniority list were given out of turn promotion to the rank of Subedar Mejor (BPS-16) against which I filed Service Appeal No. 344 (P) CS/2019 before the Federal Service Tribunal which was fixed for maintainability on 28/11/2019. The honourable bench at Federal Service Tribunal Islamabad, after hearing the argument of Provincial Government as well as from Federal Government remanded all the pending cases to their concerned Department to treat Service Appeal as Departmental Appeal and deciding the same.

(Copy of the judgment dated 04-12-2019 is attached as **Flag-A**)

It is, therefore requested that judgment dated 04-12-2019 may be implemented and decide the appeal of the applicant within the statutory period of 60 days.

I shall be very thankful to you.

(Copy of the Service Appeal is attached as Flag-B)

Obediently Yours,

Amir Nawab (SUBEDAR), Malakand Lavies at Malakand. 0346-9330225



# GOVERNMENT OF KHYBER PAKHTUNKHWA HOME & TRIBAL AFFAIR DEPARTMENT



No. SO (Police-II)/HD/6-268/019 Dated Peshawar the 14.01.2020

To

ANNEXORE- H

- The Registrar,
   Federal Service Tribunal, Islamabad.
- 2. The Deputy Commissioner/Commandant, Malakand, Levies Malakand.

Subject: - APPLICATION FOR DECIDING SERVICE APPEAL OF THE APPLICANT AS PER FEDERAL SERVICE TRIBUNAL DECISION DATED 04-12-2019 WITHIN THE STATUTORY PERIOD OF 60 DAYS

Dear Sir,

I am directed to refer to the subject noted above and to state that the subject appellant namely Mr. Amir Nawab Subedar Malakand levies was heard in person and it was decided that the subject appeal being devoid of merit, may be filed, please.

Yours Faithfully,

Encls as Above

Endst: No & date of even Copy forwarded to:-

Section Officer (Police-II)
Ph No. 091-9210303 Fax No. 9210201

No. 091-9210303 Fax No. 92

1. PS to Secretary Home & TA's Department.

2. The appellant for information, please.



(E)

## <u>V A K A L A T N A M A</u>

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my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the

Dated. 16 /01/2020

above noted matter.

CLIENT

(dawah 1imA)

**ACCEPTED** 

**NOOR MOHAMMAD KHATTAK** 

INDAM SAAM DAMMAHUM

Advocate, High Court, Peshawar

**OFFICE:** 

Flat No.3, Upper Floor, Islamia Club Building, Khyber Bazar, Peshawar City.

Mobile No.0345-9383141, 0333-9313113

Peshawar,

# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

Always quote Case No. While making any correspondence.

Note:



# "B"

# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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	Appeal No
	Appellant/Petitioner
	Versus
	They all the Romandane
	Respondent No.
	Kesponaent November
:e to: _	- Mr taxid ullah Subedor Majox/BPS-1
	- Mr. Farid ullah. Subedor Major (BPS-1 Malakand Levies, at Malakand.
WHE	REAS an appeal/petition under the provision of the North-West Frontier
ince S	ervice Tribunal Act, 1974, has been presented/registered for consideration, in
bove c	ase by the petitioner in this Court and notice has been ordered to issue. You are ormed, that the said appeal/petition is fixed for hearing before the Tribunal
£7;5-	at 8.00 A.M. If you wish to urge anything against the
ellant/g	etitioner you are at liberty to do so on the date fixed, or any other day to which
case m vocate. (	ay be postponed either in person or by authorised representative or by any luly supported by your power of Attorney. You are, therefore, required to file in
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^{1.} The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

2. Always quote Case No. While making any correspondence.



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# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.
Appeal No of 2020
MR Amix Mawab Appellant Petitioner
Vareus
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WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on
Copy of appeal is attached. Copy of appeal has already been sent to you vide this
office Notice Nodateddated
Given under my hand and the seal of this Court, at Peshawar this
Day of
A Survey
Registrar,
Khyber Pakhtunkhwa Service Tribunal. Peshawar.

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# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.	407 20
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Khyber Pakhtunkhwa Service Tribunal, Peshawar.

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## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

## Appeal No.407/2020

Mr. Amir Nav	wab Subedar (BPS-13) Malakand i	_evies	Δ	nnellant
				pponanc
٠.	Versus			

- 1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2. The Secretary Home & TA's Department, Khyber Pakhtunkhwa, Peshawar, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3. The Deputy Commissioner/Commandant Malakand Levies, District Malakand.
- 4. Mr. Farid Ullah, Subedar Major (BPS-16), Malakand Levies at Malakand.

·····Respondents

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED NOTIFICATION DATED 28-11-2018 WHEREBY JUNIOR TO THE APPELLANT I.E. PRIVATE RESPONDENT NO.4 HAS BEEN PROMOTED TO THE RANK OF SUBEDAR MAJOR (BPS-16) WHILE THE APPELLANT HAS BEEN IGNORED INSPITE OF SENIORITY & FITNESS AND THE AGAINST THE APPELLATE ORDER DATED 14-01-2020 WHEREBY DEPARTMENTAL APPEAL FILED IN LIGHT OF FEDERAL SERVICE TRIBUNAL DECISION DATED 04-12-2019 OF THE APPELLANT HAS BEEN REGRETTED ON NO GOOD GROUND

## Para Wise Comments on Behalf of Respondent No.3 is as under:-

Respectfully Sheweth:-

## Preliminary objection:-

- 1. The petitioner has got no cause of action or locus standi to submit the instant petition.
- 2. The petitioner is not maintainable in its present form.
- 3. The petitioner has not come with clean hands to this Honorable Court.
- 4. Due to non-joinder/mis-joinder of necessary party their petition is liable to be dismissed.

### Facts:-

- It is incorrect that the appellant was appointed in BPS-05 rather he was appointed in BPS-01 in 1985 vide his appointment order No.2348/XVII/18(LC) dated 16-03-1985 (Copy enclosed as annexure-A).
- 2. Correct.
- 3. The appellant is an illiterate and cannot lead the force as evident from the remarks of DC/Commandant Malakand Levies vide letter No.8196/LC dated 13-11-2017 of Respondent No.3 being competent authority in response to comments asked in the appeal of appellant by the Secretary.

Home & TA's Department, Khyber Pakhtunkhwa, Peshawar Respondent No.2 being appellant authority (Copy of letter No.8196/LC dated 13-11-2017 enclosed as annexure-B) which was dismissed/disposed-of the appellant authority vide Home & TA's Department, Khyber Pakhtunkhwa, Peshawar letter No.SO(Police-II)/HD/6-194/018 dated 25/04/2018 (Copy enclosed as annexure-C). Furthermore, the promotion order of Respondent No.4 was issued by the competent authority i.e. Secretary, Home & TA's Department, Khyber Pakhtunkhwa, Peshawar vide order No. SO (Police-II)HD/2-1/018 dated 28/11/2018, after proper Departmental Promotion Committee Meeting held on 26-10-2018 under the chairmanship of Secretary, Home & TA's Department Khyber Pakhtunkhwa ,Peshawar (Copy of promotion order enclosed as annexure-D).

- 4. As evident from seniority list, the Subedar from Serial No.1 to 5 are illiterate. While Respondent No.4 at Serial No.6 of the seniority list is educated/matriculate/well experience in the field of Investigation in criminal cases and also remained as Moharrir, IHC, Post Commander in various Levy Posts passed lower training course from PTC Hangue and as well Incharge of Headquarters Investigation Officer Malakand Levies (Copies enclosed as annexure-E&F).
- 5. This para is related to Respondent No.3 as competent authority and issued promotion order of the Respondent No.4 after proper Departmental Promotion Committee Meeting held on 26-02-2018.
- 6. Correct.
- 7. Correct.
- 8. Correct.

### Grounds:-

- a. It is incorrect. Respondent No.2 being competent authority convened proper Departmental Promotion Committee Meeting on 26-10-2018 and promoted Respondent No.4 as educated, well experience in Investigation Officer etc.
- b. It is incorrect. Action taken as per Rules and Regulation/Law
- c. It is incorrect. Action taken as per Rules and Regulation/Law
- d. It is incorrect, action taken as per Rules/Law.

- e. It is incorrect. Respondent No.2 being competent authority concerned proper Departmental Promotion Committee Meeting on 26-10-2018 and issued order of promotion of Respondent No.4.
- f. No comments.
- g. It is incorrect, action taken lawfully.
- h. As above.
- i. As above.
- j. No comments.

Pray:-

Keeping in view of above, it is requested that the appeal may kindly be dismissed, please.

DC/Commandant Malakand Levies____ Respondent No.3

Deputy Commissioner / Commandant Malakand levies,

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Agency, is hereby appointed as Sepoy in Mclakand Lewiss, in Mational pay Mr, Amir Nawab Khan S/O Ghulam Akbar, of village Sakhakot, Malakend

Scale No.1, 449-10-640. His appointment is subject to his medical fitness,

dated the -

Malakand

Copy forwarded to the Subedar Major, Malakand Levies, Malak

for information and necessary action.

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OFFICE OF THE DOLLOWINGHOUSE MALAKAND LEVIES MALAKAND

NO. 81.96 /LC DATED MALAKAND THE /3-1/17

То

The Section Officer (Police-II), Home & Tribal Affairs Department, Knyber Pakhtunkhwa, Peshawar.

Subject:-Memo:- **APPLICATION** 

Reference your letter No SO(Judl)/HD/6-194/017/AmirNawab dated 04-10-2017, on the subject noted above.

It is submitted that there is no regular Subedar Major posted in Malakand Levies as of now. In order to run daily affairs, additional charge has been given to Subedar Abdul Wahab.

Mr. Amir Nawab's application is not based on merit, because as per Levies Rules, most competent person will be appointed as Subedar Major considering the seniority. Moreover, as per recent Peshawar High Court, Mingora Bench, Dar-ul-Qaza Swat Judgment, at least Graduation is mandatory for the Subedar Major. But Amir Nawab is not educated, hence not fit to lead the force. He is also not well trained in the investigation as well. The application may be dismissed.

DC/COMMANDANT
MALAKAND LEVIES MALAKAND



# GOVERNMENT OF KHYBER PAKHTUNKHWA HOME & TRIBAL AFFAIRS DEPARTMENT

No. SO (Police-II)/HD-6-194.018 Dated Peshawar the 25.04.2018

To,

The Deputy Commissioner / Commandant Levies, Malakand.

APPLICATION. Subject: ~

I am directed to refer to your letter No. 8169/LC dated 13.01.20 Sir, on the subject noted above and to state that the matter may be disposed on as I rules / regulations relevant to the case and as per decision of the August Supre Court of Pakistan in letter & Spirit, please.

Yours Faithfully.

Section Officer (Police-II)

<u>Encls as Above</u>

Endst: No & date of even

# Copy forwarded to:-

PS to Secretary Home & TA's Department.



# Dated Peshawar 28 Novembor, 2018

## NOTIFICATION

No. SO(POLICE-ID/HD/2-1/018/2) Consequent upon the recommendations of the Departmental Promotion Committee (DPC) in its meeting held on 26.10.2018, the competent authority (Home Secretary) is pleased to promote Subedar FaridUllah of district Malakand Levies to the rank of Subedar Major and post him as Subedar Major Malakand Levies in District Malakand against the vacant post with immediate effect.

He shall remain on probation as per Rule-5 of the Federal Levies Force (Amended) Rules, 2013.

HOME SECRETARY KHYBER PAKHTUNKHWA

Ends No. & dated of even.

Copy of the above is forwarded for information and necessary action to:-

- 1. The Secretary SAFRON Government of Pakistan Islamabad.
- 2. The Commissioner, Malakand Division, Saidu Sharif, Swat.
- 3. The Deputy Commissioner / Commandant Levies, Malakand.
- 4. The District Account Officer, Malakand.
- 5. PS to Secretary Home & Tribal Affairs Department.
- 6. Officials.

SECTION OFFICER (POLICE

5



POLICE TRAINING SCHOOL,
HANGU

TERM ENDING 30 /3 //993

Certificate of Proficiency
Lower Class

Certified that My Fas dallak No 3403

of Malaband Levies

has passed the prescribed Examination and is qualified for promotion to the rank of Head Constable.

Order of merit_ 2.7/17/.

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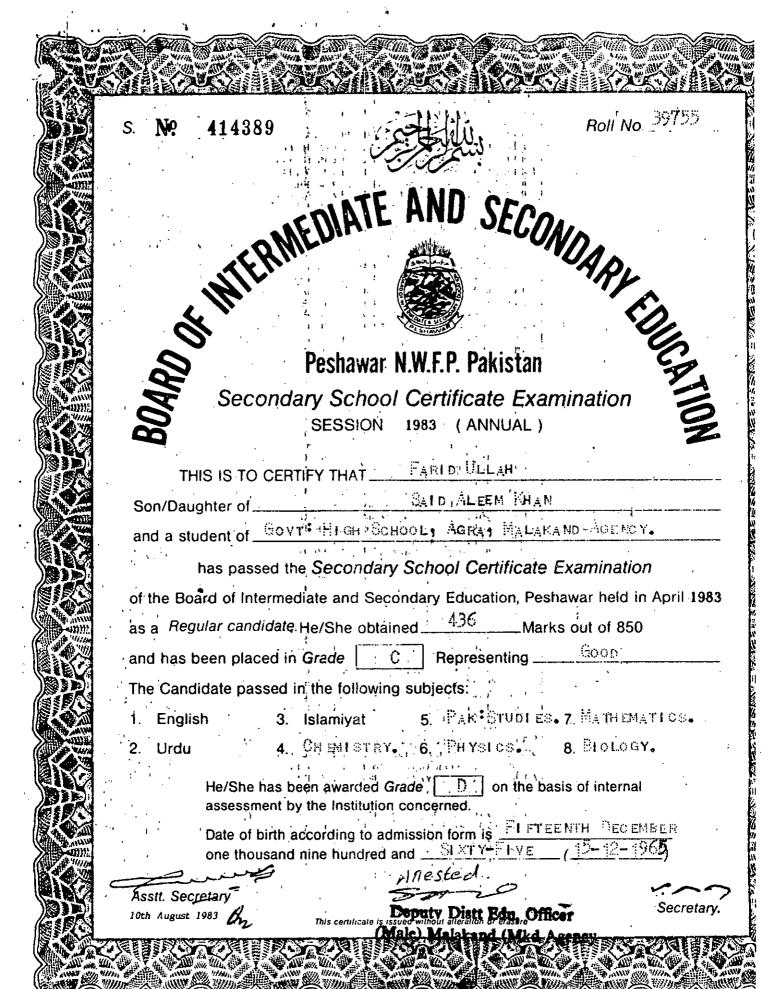
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# "B"

# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Given under my hand and the seal of this Court, at Peshawar this...

Day of Re My

Note:

Registrar, Khyber Pakhtunkhwa Service Tribun Peshawar.

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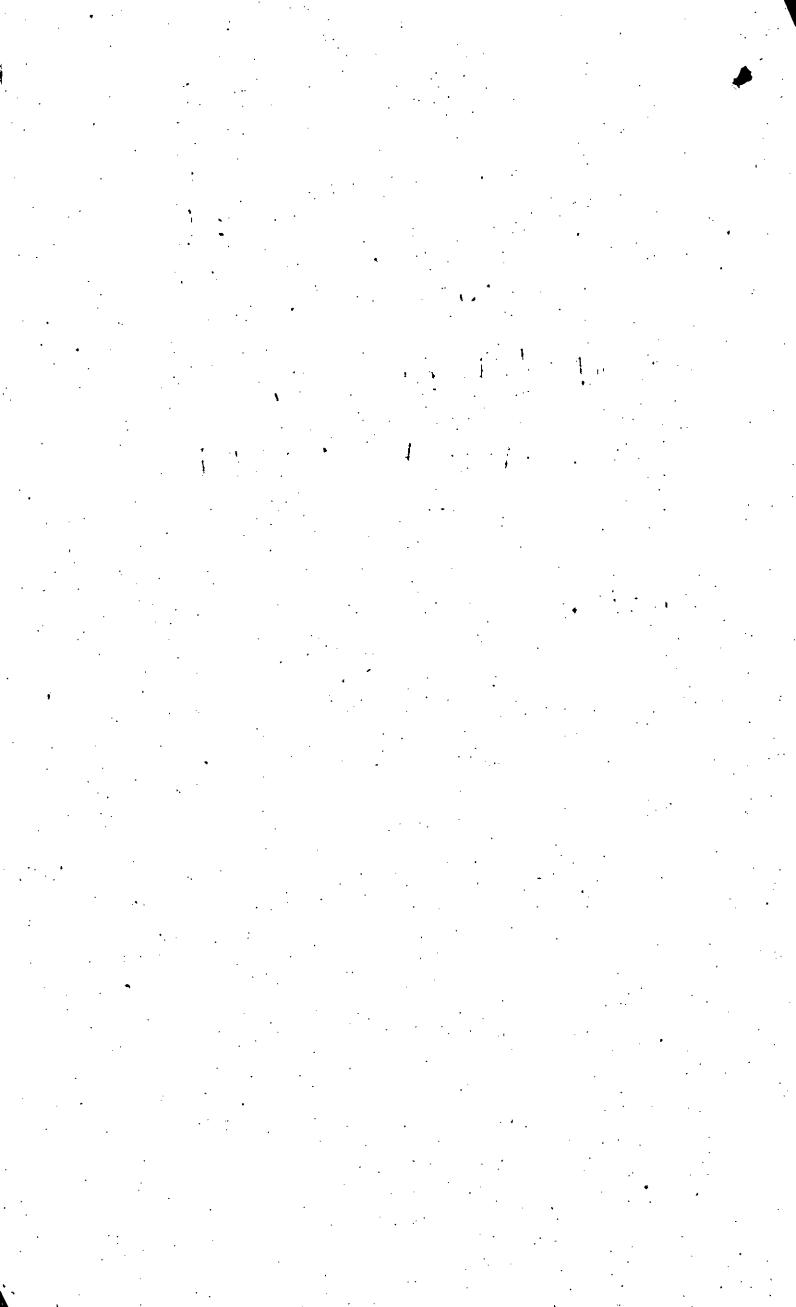
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# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD,

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Notice to: —	+	rough	chief	Seisentar	4 13	shawao.
WHEE	REAS an appe	eal/petitio	n under the	provision of t	he North	West Frontier
Province Se	rvice Tribunal	l Act, 1974	i, has been pr	esented/registe	red for co	nsideration, in
hereby info	rmed that the	said appo	eal/petition is	notice has been fixed for hear	ring before	e the Tribunal
*onappellant/pe	atitigner youra	at reat liber	* <u>8.00 A.M.</u> If ty to do so on	you wish to ur the date fixed, (	ge anythic or any othe	ng against the er day to which
the case ma	y be postpone	d either i	in person or l	y authorised i	representa	tive or by any quired to file in
this Court a	at least seven o	days befor	re the date of	hearing <u>4 cop</u>	<u>ies</u> of writ	tten statement
_	-	_		_		notice that in nentioned, the
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Сору	of appeal is at	tached. C	Copy of appea	ے l has already b	een sent t	o you, vide this
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	. /	1, C. 31	Kh	yber Pakhtun	khwa Ser	vice Tribunal,

The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

Always quote Case No. While making any correspondence.



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR:	
JUDICIAL COMPLEX (OLD), KHYBER ROAD,	
PESHAWAR.	
No.	
Appeal No. 907 of 20 20	
Mis Amis Nawah Appellant/Petitioner	
Versus	
myough Chief Sery / Eshaw Respondent.	
Respondent No	
Notice to: - the Deputy commissiones/ commandant Madakand Levies D	
Commandant Malakand Levier D	-i
WHEREAS an appeal/petition under the provision of the North-West Frontier	
Province Service Tribunal Act, 1974, has been presented/registered for consideration, in	l
the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal	
*on	
appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may/be postponed either in person or by authorised representative or by any	
Advocate, duly supported by your power of Attorney. You are, therefore, required to file in	
this Court at least seven days before the date of hearing 4 copies of written statement	
alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the	
appeal/petition will be heard and decided in your absence.	
Notice of any alterestics in the date fixed for bearing of this appeal/notition will be	
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your	
address. If you fail to furnish such address your address contained in this notice which the	
address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post-will be deemed sufficient for the purpose of	
this appeal/petition.	
Government of the standard Convert convert has already been cent to you wide this	
Copy of appeal is attached. Copy of appeal has already been sent to you vide this	
office Notice Nodateddated	
Given under my hand and the seal of this Court, at Peshawar this	
Day of	
Registrar,	
Khyber Pakhtunkhwa Service Tribunal,	

The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays. Always quote Case No. While making any correspondence.

Peshawar.

Note:



### - KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR JUDICIAL COMPLEX (OLD), KHYBER RO PESHAWAR.

No.		607	2.0	• .
	Appeal No	407 Nawab	of 20	
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Province Sethe above can hereby in the total appellant/p the case may advocate, do this Court alongwith default of appeal/peti Notice given to you address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go address given to go	ervice Tribunal Act, 19 ase by the petitioner in peritioner you are at like ay be postponed either duly supported by your at least seven days be any other documents your appearance on to ition will be heard and be of any alteration in you fail to furnish such you fail to furnish such you in the appeal/petiti	974, has been presented this Court and notice I ppeal/petition is fixed at 8.00 A.M. If you will be determined by author of Attorney. You efore the date of hearing upon which you rely, the date fixed and in the decided in your absence the date fixed for hear You should inform the haddress your address of the decided be decided to be egistered post will be decided.	ion of the North-West F l/registered for considerants been ordered to issue. for hearing before the Tsh to urge anything against the fixed, or any other day the fixed, or any other day the fixed representative or are, therefore, required the fixed also take notice the manner aforementions.  In of this appeal/petition Registrar of any change contained in this notice where your correct address, and semed sufficient for the pure series of the pure sufficient for the pure series and sufficient for the pure series and sufficient for the pure series and sufficient for the pure series and sufficient for the pure series and sufficient for the pure series and sufficient for the pure series and sufficient for the pure series and series and series and sufficient for the pure series and series and series and series and series and series and series and series and series and series and series and series and series and series and series and series and series and series and series and series are series and series and series and series and series are series and series and series and series and series are series and series and series are series and series and series are series and series and series are series and series and series are series and series are series and series and series are series and series are series and series are series and series are series and series are series and series are series and series are series and series are series and series are series and series are series and series are series and series are series and series are series and series are series and series are series and series are series and series are series and series are series and series are series are series are series are series and series are series are series are series are series are series are series are series are series are series are series are series are series are series are series are series are series are series are series are series are series are series are series are series are series are series are series are series are series	tion, in You are ribunal inst the o which by any to file in atement that in ned, the in your hich the further
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Registrar, Khyber Pakhtunkhwa Service Tribunal,

Peshawar.

1. The hours of attendance in the court are the sum.
2. Always quote Case No. While making any correspondence.

The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.





# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

C.M. NO		/ 2020	
	IN		
APPEAL NO		/2019	

**AMIR NAWAB** 

VS

**GOVT: OF KP** 

APPLICATION FOR SUSPENSION OF THE OPERATION OF ORDER 30.03.2020 TILL THE DISPOSAL OF THE ISNATNT SERVICE APPEAL

#### R.SHEWETH:

- 1. That the appellant has filed the above titled service appeal before this Honorable Service Tribunal in which is fixed for learning today on 18.06.2020.
- 2. That appellant filed the above mentioned service ar eal against the impugned Notification dated 28.11.2018 whereby Junior to the appellant has been promoted to the Rank of Subeda Major (BPS-16) while the appellant has been ignored.
- 4. That all the three ingredients required for grant of stay are in favor of the appellant.
- 5. That any other ground would be taken at the time of arguments with prior permission of this Honorable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application the retirement order dated 30.03.2020 m y very kindly be suspended till the disposal of the instant service app al.

APPELLANT

AMIR NAWAB

THROUGH:

NOOR MOHAMMAD KHATTAK

ADVOCATE,

High Court P shawar



OFFICE OF THE DC/COMMANDANT MALAKAND LEVIES MALAKAND

NO LC DATED MALAKAND THE 30/03 12020

ANNEX RE - I

#### OFFICE ORDER

In pursuance of the Notification No. 50(Levies)/HD/FLW/1-1/2013/Vol.1 dated 25-08-2016 Amended Service Rules 2016 Schedule III, issued by Government of Khyber Pakhtunkhwa Home & Tribal Affairs Department, Peshawar, No.3429 Subedar Amir Nawals of Malakand Levies. is hereby retired from service w.e.f 31/03/2020(AN) with full pensionery benefits on completion of 35-years requisite service length.

DC/COMMANDANT MALAKAND LEVIES MALAKAND

Copy forwarded to the:-

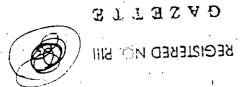
- Section Officer (Levies), Home & TA's Department Khyber Pakhtunkhwa, Peshawar with reference to Notification referred above for information:
- 2. District Accounts Officer, Malakand.
- Subedar Major Malakand Levies.
- 4. Official concerned.

For information & Necessary action.

MALAKAND LEVIES MALAKAND

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## KHAREE PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 16TH FEBRUARY, 2013.

HOME & TRIBAL AFFAIRS DEPARTMENT **СОУЕВИМЕИТ ОF КНУВЕЯ РАКИТИИКНУР** 

#### Peshawar the 4th February 2013 ИОППСАТІОИ

PROVINCE BUTES EOR FEDERAL LEVIES FORGE IN PARIS

Provincial Government of Khybor Pakhtunkhwa is pleased to make the fullowing rules, namely:in exercise of the powers conferred by Section 9 of the PATA Levius Force Regulations, 2012 the

Araba (PATA) Federal Levies Force Service (Amended) Rules, 2013. Short title and commonstraints here may be called Provincially Administrated Tribal

They shall come into force at once.

shall have the meaning hereby respectively usurgined to them, namely:-Definitions. (T) in these Rules, unless the context otherwise require, the following expressions

"Appointing Authority" means the appointing puthority specified in rule-4;

Communicant means Community of the Force, who shall we the Deputy

Commissioner in their respective junsdiction;

ATA9 ni wite strail be reasourelble to the Commandant for operational metters of the Force junacifction such powers and perform such functions as may be prescribed; and Dicting Connegating (Opumbon) of the Force in PATA, to axarcise in his respective officer of the District designated as such by the provincial government who shall be VIN 10 rendissimmod Insisissa na sasam "(nobewed) hishammod (Juged"

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"Government" means the Government of Khybor Pakhtunkhwa; (8)

(1)

UBASIEC "Initial rectultment" means appointment made other than by promotion or by

"Schedule" means the Schedule appended to these mies;

- "Selection or Promotion Committee" means a Committee for recrussment or as the case may be, promotion of Force personnel as notified by the Government; (l)
- "Service"-means the levies service;
- The expression used but not defined herein shall have the same meanings as are assigned. to them under the PATA Levies Force Regulation 2012.
- Composition and eligibility of the Force. (1) The Force shall comprise of the posts specified in Schedule-I and such other posts as may be determined by the Government from time to time.
- Recruitment to the Force shall be made in accordance with the requirement specified in Schedule-I. No person shall be appointed unless he fulfills the following conditions:-
  - The candidate shall be a citizen of Pakistan and bonalide resident of the (a) respective district of Khyber Pakhtunkhwa.
  - The candidate shall be, in good mental and bodily health and lies from physical (b) defect, which likely to interfere in the efficient discharge of his coales.
  - Medical Superintendent of the respective district headquarter hospital shall issue (c) a certificate of medical filmess to the candidate.
  - Recruitment to all ranks of the Force shall be made from am@gst those persons having a minimum height of 5'-7" and chest measurement of \$47-35 W " with an age of not less than eighteen years and not more than twenty. The years on the last date of submission of application;
  - No person (except those who are already in Government Service) shall be appointed to the Force unless he produces a certificate of character from the Principal of Academic institution last attended or a cortificate of character from two gazetted officers from respective districts, not being his relative and who are well acquainted with his character; and
    - No person who is married to foreign national shall be eligible for appointment in the Force, unless allowed by the Government, in writing.
  - Appointing Authority.- (1) Commandant shall be the appointing authority for initial recruitment and promotion up to the rank of Subedar. Whereas promotion to the rank of Subedar Major and above, the
  - Appointment to the post shall be made in accordance with the provisions contained in Schedule-I read with Rule-3 of these rules.
  - constituted Selection/promotion Committees.

Provided that in case of raising of force in a new district, the Commandare a half have the authority to recruit ex-servicemen above the rank of sopoy on contract basis for a period of we a year extendable for a further period of one year but not exceeding three years in total, with prior approva of the government.

It is further provided that the ex-servicemen so appointed on contract shall not be more than forty five years of age.

probation for a period of one year extendable by a further period of one year. If no order is issued on the explry of the first year of probation period, the period of probation shall be deemed to have been extended for further one year. If no order is issued on the completion of extended period, the probation shall be deemed to have been terminated.

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authority shall rests with the provincial government.

Appointment either through initial recruitment or by promotion shall be made through duly

Probation.-Persons appointed to posts by initial recruitment, promotion or transfer shall remain on

Training - (1) All newly recruited personnel of the Force shall undergo six months pre-service faming before being assigned duties of the rank for which they selected. Initially, the Appointing Authority shall arrange for appropriate training till a proper tayles Training Conter is established.

- (2) The pre-service training mentioned in sub-rule (1) may contain training on basic laws investigation techniques, mob control basic intelligence, arrest and detention procedure, jail duties, driff, weapons training, field craft, bomb disposal, counter assault, traffic control, raids, watch & ward every proper training syllabus and modules shall be developed through mutual consultation with local inwentoring agencies by the Home Department.
- 7. Resignation. No member of the Force shall resign before the explry of the first three months of his recruitment or he shall deposit an amount equal to his three months pay in lieu of his three months essential service.
- 8. Seniority and promotion.— (1) Promotion shall be strictly on seniority cum fitness basis as well as on the required longth of service as specified in Schedule-I.
- (2) The service of a personnul by initial recruitment, promotion or transfer may be dispensed with or reverted if, in the opinion of the competent authority his work and conduct is not satisfactory to ing probation period or due to abolishment of posts, as the case may be.

Provided that in case of dispensing with their service or reversion the concerned authority shall record cogent masons for such action in writing.

- (3) The seniority list of the Force shall be maintained at district level. Commandant shall be responsible for maintaining the seniority list of the force and shall notify annually.
- 9. Transfer during service. Every member of the service shall be liable to serve anywhere within PATA with the prior approval of the Commissioner Malakand Division.

10. Punishment. After satisfying himself regarding punishable acts (as referred in Schodule-II) through a charge duly framed in writing, necessary punishments specified in Schodule-IV may be awarded by the respective authority.

Provided that punishment so awarded shall be duly incorporated in service rolls / service dessing accordingly.

- 11. Appeal. If any personnel of the force is aggrieved by any order issued under these rules, within thirty days of communication to him of such order, may prefer an appeal to the competent authority.
- Provided that no appeal shall be against the punishments specified at S.No. (1) and (2) of Schedule-IV.
- Awards and commendations. -(1) Force personnel may be given special award and commendation cartificate for devotion to duty, demonstration of gallactry and such achievement in the performance of duty, in the manners as prescribed by the Commandant, and shall be made part of the service roles / service duty, in the manners as prescribed by the Commandant, and shall be made part of the service roles of the dessier.
- (2). Force personnel, if embraces martyrdom in the discharge of his duty, will be given proper Guard of Honour at the time of burbai.
- 13. Service Record. -Proper service rolls / service dossiers of all Force Personnel shall be a sintal ned in Levy Office of each district. Annual reports of all Havaldars and Junior Commissioned Officers (JCOs) will also be maintained for the purpose of promotion.
- 14. Uniform.-The levy personal shall attire black shalwar gamees with brown chappil, white socks, black barrette cap and black belt-whereas the JCOs will wear brown belt during duty hours.
- 15. Esswer- (1) Leave may be granted depending on the exigencies and at the discretion of the Commandant. All leave of ten days or above, will be considered as long leave and shall be granted on the recommendations of Subedar Major by the Commandant.









### BER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 15th FEBRUARY, 2013. 647

An Anomaly Committee duly constituted/notified vide Home and Tribal Affairs Department, Knyber Pathunkhwa Notification No.SO(Police)/HD/12-19/2012 duted 11th December, 2012 shall consider and remove such anomalies from time to time referred to the competent authority.

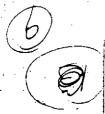
25. Repeal.-Any rules, orders or instructions enforce in respect of the PATA Levies Force, immediately before the commencement of these rules shall stand repealed in so far as these rules, orders or instructions are beconsistent with the rules.

Secretary
Home & Tribal Affairs Department
Government of Khyber Pakhtunkhwa









Attaining the age of shall rethe from service on attaining the age of superannuation is 50 years or they may upt for the rethement after completion of 25 years of regular service and no extension in service beyond rethrumant shall be granted.

Secretary to Government of Khyber Pakhtunkhwa home & Tribal Affair Department

Ends No. & dated of even.

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Copy of the above is forwarded for information and further necessary action to:

The Secretary to Government of Pakistan, Ministry of SAFRON, Islamabad with reference to his Motification No.F.10 (5)-LK/2006 dated 05-12-2013

The Commissioner, Maiakand Division, Maiakand.

The Deputy Commissioner/Commandant Levies, Chitral

The Deputy Commissioner/Commandant Levies, Dir Upper.

The Deputy Commissioner/Commandant Levies, Dir Upper.

The Deputy Commissioner/Commandant Levies, Dir Lower.

The Deputy Commissioner/Commandant Levies, Dir Lower.

PS to Secretary to Governor to Khyber Pakhtunkhwa.

PS to Chief Secretary, Khyber Pakhtunkhwa.

PS to Chief Secretary, Khyber Pakhtunkhwa.

PS to Chief Secretary, Khyber Pakhtunkhwa.

The Manager Government Printing Pross, Peshawar for publication in the official

gazette Peshawar as an extra ordinary copy.

Section Officer (Levies)

## AKHTUNKHWA GOVERNMENT QAZETTE, EXTRAORDINARY, 15th FEBRUARY, 2013. 648



## SCHEDUEL - II

#### ands of penalty

The concerned authority may impose one or more penolities, where a personnel of the Force, in the inion of the authority:

- a. Is inefficient or has ceased to be efficient;
- b. is guilty of misconduct, like unauthorized absence from deave, breach of order, disobedience, unruly behavior, passing on official secrets to unauthorized persons, etc.
- c. is compt, or may reasonably be considered corrupt;
- d. is guilty of any violation of duty;
- e. losses, misplaces or causes harm to a weapon through negligence or tack of maintainance;
- f. Is insubordinate to his superiors;
- g is convicted of a criminal offence;
- Is guilty of cowardicu, or abandons any piquet, fortress, post or guard which is committed to his charge or which is his duty to defend;
- is engaged in propagation of sectorion, perochial, anti-state views and controversities.
- is engaged or is reasonably suspected of being engaged to excite, cause or conspire to cause or joins in any mutiny, or being present at any mutiny and does not use his utmost endeavor to suppress it:
- k. attempts collective bargaining, conspiring or attempting to call off duty or take procession to press for the demands; or
- 1. I is guilty of omission and commission under the law and rules.
- m. deserts the service.
- n. Being a sentry, sleeps upon his post or quits it without being regularly relieved or without leave; or
- Without authority, leaves his commanding officer, or his post or party, to go in search of plunder; or
- p. Quits his guard, ploquet, purty or patrol without being regularly relieved or without leave; or
- Uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or without authority breaks into any house of any other place for plunder, or plunders, destroys, or damages any property of any kind; or
- Internally causes or sproads a false alarm or rumour during action or in post, camp, lines, or quarters.



(0)

# 648 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 15th FEBRUARY, 2013

Uniformed Force

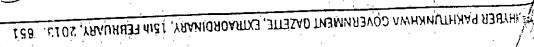
SCHEDULE - 1
See rules 4(2) and 8

See rules 4(2) and 8

S.#	Post/Rank	Eligibility for promotion	Promotion Quota	Direct Quata	Qualification	: :
1.	Subedar Major (8S-16)	03 years service as Subedar	100%	-		٠.
2)	Subedar (BS-13)	03yeers servicest NaibSubedar	100%			)
3.	NaibSubeder (BS-11)	03 years service as Havalder	100%			[ .
4.	Havaidar (BS-8)	03 years service as Nelk	100%	-		
5.	Nalk (BS-7)	03 years service as Lance Nalk	100%			
6.	L/Nafk (BS-6)	03 years service as Sepay	100%			
7.	Sepoy (BS-5)		-	100%	Middle pass preferably Matric	
8.	Head Annourer	05 years service as Assistant Armourer	100%			
9.	Assistant Armourer BPS-01			100%	Certificate of Armourer	

#### В. · Ministarial staff

	( ) ( )	PO/ Computer Operator/ Senior clerk/Junior Clerk  I) Minimum 5-years service as KPO/ Computer Operator;  (II) 5 years service as Senior  Clerk; (III) 7 years serviceas  Junior Clerk	50%	50%	B.A. or equivalent for direct recruitment and by promotion seniority-cumfitness from amongst KPO/Computer Operator/Senior clerk/Junior Clerk on the basis of their date of entry into service.
	·50 · 0 +			100%	Intermediate with
C	(PO / Computer   Operator 3PS-12			; ;	one year diploma in it from a recognized institute
12	Senior Clerk	5 years service as Junior	100%		
13.	(BS-9) Junior Clerk (BS-7)	Clark	10% from lower staff with Matric	90%	Matrio with a typing speed of 30 words per minutes / preforably computer literate
				100%	Literate
15.	Behishti (BS-5) Driver (BS-4)			100%	Orlving License / Oriving Experience
16.	Pesh Imam BPS		<del>                                     </del>	100	Moulvi azil
<b> </b>	02 Tracker (8S-2)	5 years service in US-1	10%	90%	Primary Pass
17.	NaibQasid BPS-01	2 Junes services in no.		100%	Üterala
1 1	Sweeper (BS-1)		<del></del>	100%	Lierate



# SCHEDULE -IV

edu2disH  A tabedu2  -ob-  -ob-	YudeQ YudeQ YudeQ -ob- -ob-	Deputy -do- -do-	Jasbasinmo2 -ob- -ob- -ob-	Sains Orill not exceeding lifteen days taigue or other duties.  Confinement to quarter guard upto filteen days. Censure Fortbilling of approved service upto read years
-op-	Anabasinino Jobob-	fnebasrimo3 -ob- -ob-	-op-	Confinement to quarter guard upto  filtoen deys.  Censure  Fortoiture of approved service upto  two years
-op-	-00-	-op-	-op-	Censure of approved service upto
		-00-	-op-	Fortoiture of approved sorvice upto
.00-	-00-	-00-	-00-	(WO YEARS
			•	Jon Insmenal to agaqquiz
	-op-	-ap-	-op-	exceeding ond month's pay
!	-op-	-op-	op-	on morth a pay
	-op-	-00-	-op-	year or less.  Reduction from substantive rank to:  Reduction from substantive rank to:
_	-00-	op-	-op·	9. Otzmiszał or removał from Service
	p- p- op-	pop-	popop-	popopop-

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### Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Dopartment Dated Peshawar the 12th December, 2013



#### NOTIFICATION

No.So(Levies)HD/FLW/1-1/2013/Vol.1. The competent authority has been pleased to approve further amendments in Schedule-I of Rule-4(2) and Schedule-III of Rules-17 under Part 0 of the Regulation for PATA Levies Force, 2012 & Rule-24 of the Provincially Administered (ribal Areas (PATA) Federal Levies Force Service (Amended) Rules, 2013 as under:

#### Rule-4[2] Schedule-1

# See Rule 4 (2)

.No	Uniformed Force Post/ Rank	Eligibility for promotion	Promotion Quota	Direct Quota	Qualification
<u>} —</u>	Subedar Major (BS-16)	One year service as Subadr	100%		
2 ) 2 )	Subedar	One year service as	100%		1.4
<u>-/</u>	(BS-13) Naib Subedar	One year service as Hawaldar	100%	-	
 4	(BS-11) Hawaldar	One year service as	100%		
5	(BS-8) Naik 165-7	One year service as	<u> </u>		
6	Lance Nalk	Five years' survice	100%		Middle pass preferably
7	(BS-6) Sepoy		-	100%	Matric
8.	(BS-5) Head Armorer (BPS-5)	Elve years' service as Assistant	100%		Middle pass preferably Matric with Certificate of Armorer
9	Assistant Armorer (BPS-1)	Armorer		100%	Middle pass preferable Matrix with Cartificate of Armorer

Rule-17 (Retirement). (1) All uniform levy personnel shall retire as per Schedule-III or they may opt for retirement after completion of 25 wears of regular service and no extension in service beyond retirement shall be granted.

SCHEDULE-III Rule-17(Retirement)

		Rule-17 (Retirement)
S.No	Post/Rank	Longth of service / age for retirement.  37 years' service or 60 years of age whichever is earlier.
1	Subedar Major(85-16)	SO years of age whichever same.
12	Subedar BS-13	CONDEM OF AND WINCHOUSE
Í	Naib Subedar(BS-11) Hawaldar(BS-8	
14	Naik(BS-7)	- FD WASK OI ARE WINOUT -
13 16	Lance Naik(BS-6	29 years' service or 60 years of age whichever agriller. 27 years' service or 60 years of age whichever agriller. 25 years' service or 60 years of age whichever
7	Sepoy(BS-5)	25 years' service of 60 years - b

pTo



# 650 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 15th FEBRUARY, 2013

B

#### SCHEDULE -III Sou Rule 17

		Longth of service / Age
. S.#	Post/Rank	Couldry on service \
		20 mag 80
1	Subedar Major(BS-16)	38 years service or 03 years service as Subedar Major or 80 years ago whichever is service.
2 .	Subedar (BS-13)	35 years service or 03 years service as Subodar or 67 years age whichover is earlier
3	NalbSubedar (BS-11)	32 years service or 03 years service as HalbSubedar or 54 years ago whichever is earther
4	Haveldar (BS-8)	29 years service of 03 years service as Havatdar or 51 years age whichever is earther
15.	Nalk (BS-7)	26 years service or 09 years service as Nalk or 48 years age whichever is earlier
6	L/Nalk (BS-6)	23 years service or 03 years service as L/Naik or 45 years ege whichever is
		gartier
7	Sepoy (BS-5)	, 20 years service or 42 years age whichever is earlier

15/15 05/28 05/28 65/



#### GOVERNMENT OF KHYBER PAKHTUNKHWA HOME & TRIBAL AFFAIRS DEPARTMENT 00000000









### NOTIFICATION

NO. SO(LEVIES)/HD/FLW/1-1/2013/Vol.1:- In partial modification of this Department Notification of even No. dated 12.12.2013, the Competent Authority has been pleased to approve the recommendations of the Anomaly Committee of its meeting held on 28.02.2014 in the Ministry of SAFRON Islamabad, that amendments made in the PATA Levies Force (Amended) Service Rules 2013 shall be effective from 4th February, 2013.

HOME SECRETARY

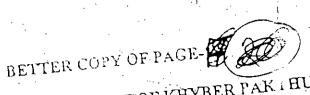
### Endst. No. SO (Levies) HD / 1 - 1 / 2013 / Yul-I

Dated 17th Murch, 2014

Copy forwarded to the:- .

- Secretary Ministry of SAFRON, Government of Pakistan, Islamabad.
- AGPR, Khyber Pakhtunkhwa sub office Peshawar
- Commissioner Malakand Division at Saldu Sharif Swat
- The Deputy Commissioner Chitral, Upper Dir, Lower Mr. Malakand & Swat (They are directed to inform all the affectees through special messenger).
- District Account Officer, Chitral, Upper Dir, Lower Dir, Malakand & 5..
- PS to Secretary to Governor Khyber Pakhtunkhwa 6.
- PS to Chief Secretary Khyber Pakhtunkhwa.
- Section Officer (Budget) Home Department.
- 8 Section Officer (Courts) Home Department. 9.
- PS to Secretary Home, Kliyber Pakhtunkhwa.

SECTION OF HIOLER



# GOVERNMENT OF KHYBER PAK I HUNKWHA HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar 28 November, 2018

## NOTIFICATION

No. SO(POLICE-ID/HD/2-1/018/: Consequent upon the recommendations of the Departmental Promotion Committee (DPC) in its meeting held on 26.10.2018, the competent authority (Home Secretary) is pleased to promote Subedar Faridullah District Malakand Levies to the rank of Subedar Major and post him as Subedar Major Malakand Levies in District in District Malakand agisnt the vacant post with immediate effect.

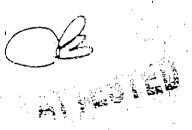
He shall remain on probation as per Rule-5 of the Federal Levies for (Amended) Rules, 2013.

HOME SECRETARY KHYBER PAKHTUNKWHA

Endst. No. & dated of even.

Copy of the above is forwarded for information and necessary action to:-

- 1. The Secretary SAFRON Government of Pakistan Is anabad.
- 2. The Commissioner, Mulukand Division, Saidu Sharif, Swat.
- 3. The Deputy Commissioner/Commandant Levies, Mulakand.
- 4. The District Account Officer, Malakand.
- 5. PS to Secretary Home & Tribal Affairs Department.
- 6. Officials.







MNEXURE -





GOVERNMENT OF KHYBE PAKHTUNKHWA HOME & TRIBAL AFFAIR DEPARTMENT

Dated Peshawa, 28 November, 2018

No. SCIPOLICE-INTERPLIANT. Consequent upon the recommendations of C MOTTPICATION Departmental Promotion Committee (DPC) in its meeting held on 26,10,2018, i competant suthority (Home Secretary) is pleased to prompte Substian ParidUliah district Malaband Levica to the rank of Subedar Major and post him as Subedar Maj Majakand Levies in District Malakend against the vacant post with immediate effect.

He shall remain on probation as per Rule-5 of the Federal Levies For (Amended) Rules, 2013.

HC E SECRETARY KHYE RPAKHTUNKHWA

Ends No. & dated of even

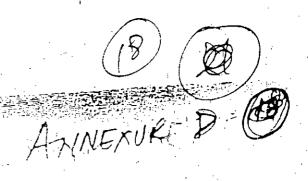
Copy of the above is forwarded for information and necessary action to:-

- 1) The Secretary SAFRON Government of Political Islamatian.
- The Commissioner, Melukand Division, Suidu Sharif, Swut.
- 3. The Deputy Commissioner / Commendent Levics, Mulakand.
- a. The District Account Officer, Malakund.

PS to Secretary Home & Tribal Affairs Department.

Ar OMeigler

SECTION OFFICER (FOLICE-I



## CHARGE REPORT

to pursuance of the order of Secretary Home & TA's Department, Khyber Pakhtunkhwa, Peshawar issued vide No.SO(Police-II)HD/2-1/018/: dated 28-11-2018, I assumed the charge of the Post of Subedar Major, Malakand Levies today i.e. 28-11-2018(AN).

> (FARID ULLAH) SUBEDAR MAJOR, MALAKAND LEVIES

No. 1431-36 //SM Dated 28-11-2018 Copy forwarded to the:

1. DC/Commandant Malakand Levies for information, please

2. Additional Deputy Commissioner, Malakand at Balkhela, has Information,

3. Secretary to Commissioner, Malakand Division at Saidu Sharif, Swat, for

4. Section Officer (Police-II), Government of Khyber Pakhtunkhwa Home & TA's Department, Khyber Pakhtunkhwa, Peshawar for information with reference to his letter No. SO(Police-II)HD/2-1/018/: dated 28-11-2018,

5. District Accounts Officer: Malakand for information and Recessary action,

6. Superintendent Malukand Levies, for information.

(FARID ULLAH) SUBEDAR MAJOR, MALAKAND LEVIES



# BEFORE THE FEDERAL SERVICE TRIBUNAL, ISLAMAFAD

# APPEAL NO. 344 (PX 5/2019)

Mr. Amir/Nawab, Subedar (BPS-13), .. APPELLANT Malakand Levies at Malakand.

### VERSUS

- 1- The Govt. of Pakistan through Secretary SAFRON, Pak
- The Secretary Home and Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- The Deputy Commissioner/ Commandant Malak and Levies, District Malakand.
- Mr. Farid Ullah, Subedar Major (BPS-16), Malakand Levies at .... RESPONDENTS Malakand.

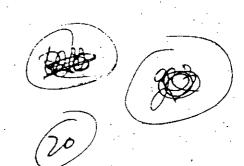
APPEAL UNDER SECTION 4 OF THE FEDERAL SERVICE TRIBUNAL ACT, 1973 AGAINST THE IMPUGNED NOTIFICATION DATED 28.11,2018 WHEREBY JUNIOR TO THE APPELLANT I.E. PRIVATE RESPONDENT NO. 4 HAS BEEN PROMOTED TO THE RANK OF SUBEDAR MAJOR (BPS-16) WHILE THE APPELLANT HAS BEEN IGNORED INSPITE OF SENIORITY & FITNESS AND AGAINS NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF AFRELLANT, WITHIN THE STATUTORY PERIOD OF NINETY DAYS

### PRAYER:

That on acceptance of this appear the impugned: Notification dated 28.11.2018 may very kindly be set aside and the respondents may be directed to consider the appellant for promotion to the Rank of Subedar Major (BPS-16) w.e.f. the date when the private respondent No. 4 had been promoted i.e. with effect from 28.11.2018 with all consequential benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favo. of the appellant.







#### R/SHWETH: ON FACTS:

- 1. That initially the appellant was appointed as Sepoy (BPS-5) in the respondent's Department on 1.4.1985. That later on the appellant was promoted to the Ranks of Lance Naik, the appellant was promoted to the Ranks of Lance Naik, Naik, Havaldar and Subedar (BPS-13) vide orders mentioned in the seniority list prepared for the employees of Malakand in the seniority list prepared for the employees of Malakand Levies. Copy of the Seniority list showing the dates of appointment and promotions is attached as Annexure.
  - 2. That the respondent Department Framed/formulated service structure for the Levies personnel vide Notification dated 4.2.2013 whereby the method for recruitment of Subedar Major (BPS-16) has been mentioned as 100% by promotion on the basis of senioric, coun fitness from amongst Subedars (BPS-13). Copy of the Rules are attached as annexure.
    - 3. That according to the seniority list already attached as annexure-A the appellant being the senior most employee of the respondent Force has been Ranked at Serial No.1 of the Seniority list. That appellant was quite hopeful for his promotion to the Rank of Subedar Major (\$PS-16) due to his excellent record of service and having seniority cum fitness.
      - - 5. That feeling aggrieved from the impugned Notification dated 28.11.2018 the appellant preferred Departmental Appeal dated 19.12.2018 before the respondent No.2 but till date no action has been taken by the respondent No.4 on the Departmental appeal of appellant. Copy of Departmental Appeal is attached as Annexure.
          - That appellant feeling highly aggrieved and having no other remedy filed the instant appeal on the following grounds amongst the others.

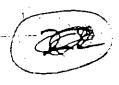






## GROUNDS:

- That the impugned Notification dated 28.11.2018 issued by the respondents are against the law, facts, norms of natural justice & materials on record hence not tenable and liable to be set aside.
  - That appellant has not been treated by the respondent Department in accordance with law and rules on the subject. noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
    - That the impugned Notification dated 28.11.2018 are based. on malafide and arbitrary intentions of the respondents herice not tenable in the eye of law and liable to be set aside.
      - That the impugned Notification dated 28.11.20...8 issued by the respondents is not in accordance to the seniority list issued by the respondents and as such the same is violative of mection-9 of the Civil servant Act, 1973 read with Rule 7 of the Appointment, promotion and transfer Rules.
        - That, the act of the respondents by ignoring the appellant from promotion to the Rank Subedar Major (BPS-16) inspite of seniority and eligibility is squarely falls within the violation of law and Rules.
          - That according to Article 38 (e) of the Constitution of Pakistan 1973 state is bound to reduce disparity in the income and earnings of individuals including persons in the services of Federation.
            - That the impugned Notification dated 28.11.2018 is based. on discrimination and as such not tenable in the eye of natural justice.
              - That it is crystal clear from the final seniority list of Subedar theil appellant is senior than the private respondent No.4 but. inspite of that the appellant was ignored from promotion to the Rank of Subedar Major (BPS-16).
                - That according to the service Rules of the Federal levies Force dated 4.2.2013 the Post of Subedar Major (BPS-16) has to be fill up on the basis of seniority cum fitness from amongst senior most Subedur and as such the appellant being the senior most employee of the respondent Force is entitle to be promoted to the Rank of Subedar Major (BPS-16) but inspite of that the respondent promoted the private respondent No.4.





That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may very graciously be accepted as prayed for:

Dated: 3-4-2019

APPELLANT

AMIR NAWAB

THROUGH:

NOOR MOHAMMAD KHATTAK

MUHAMMAD MAAT MADNI-ADVOCATES

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# Judgement Sheet IN THE FEDERAL SERVICE TRIBUNAL ISLAMABAD

# Cari Khatid Ali, Chairman and Raja Hasan Abbas, Member

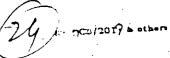
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İ	1		1	Muhammad Wo Tarkho, P.O. Khar,	
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1	15.	1911(U)CS/	2013	For Khan, Ex-Septy: S/o Abidan,	Wo F. at   98.06.2018
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77.	102	3(11)CS/2018	Suita	emi Ro Khar, Tehsil Salarzai, District
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38.	781(P)C5/2017	A PARTICIPATE 1211, 14211, 140000001, 12 -			
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	,	Shan Chai, Tensil Khar, District Sajaur			
	<u> </u>	Abdullah Jail Ex-Naib Subedar, S/o 15:04.2018			
40	742(PYCS/2018	Abdullah Jan, Ex-Naib Subebal, 500			
		Bakhtiar, Reedo Shah Gai, Yusuf Atad, P.O. Khar Raado Shah Ghai, Tehsil Khar,			
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		District Bajaur Agency Munasib Khan; Ex-Naib Subcdar, R/o Mir. 18,04,2018			
١١.	1.743(II)C5/7015	Afzal Labour Colony Clo Asar Khan Slo			
		Mashoo Khan Quiter No. 10, District			
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42.	144(P)CS/2018 .	Labour Colony C/o Asar Khan S/o sishoq			
ļ		Khan Quner No. 10, District Mardan			
<u> </u>	1	Renmat Gul, Ex-Substar Maj. S/o 19.10.2018			
143.	1441(P)CS/2018	Hameed Gul Rio Pio Khar Sha Harai,			
1	1	Tabelt Khac District Balaur Agency			
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1 = 4.	527(P)CS/2016	R/o Muharram Ghundai, P.O. Khar, Tehsil			
1		Y har District Balaur AVEDCY			
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45.	244(1.AC2\S\sum_1).	Monallah Eid Gah, Tensil Khar Histrict			
		Bajaur Agency			
110.	N5711 K25/2018	Muhammad Shah, Ex-Sepuy, Noor 11.05,2018			
7111		Zanin, Ro Char Shamozai flart Try, P.O.			
Į		Qulangai Sher Botai, Tehsil Barang, District			
		Bajeur Agency			
7	858(11)CS/2018	Seed Cul, Ea-Sepoy S/O Ajab Cul, R/O 11,05,2018			
1 - / -		Sher Batai, P.O. Qulangai, Tehsil Barang,			
		District Bajaur Agency			
15	974(P)CS/7018	Stuhammad, Ex-Sepoy, S/u Ithari Cul., R/o 25,05,2018			
-		Tarkho, P.O. Khar, Telisil Harang, District			
i		Bajaur Aginky			
±9.	975(1°)CS/2018	Abdul Haq, Ex-Sepoy. S/d Rufat ElbanR/o 25,05,2018			
Ì	*	Stuslim Bagh, P.O. linayat Katay, District			
İ		Bejaur Agency.			
50.	976(P)CS/2011				
		Roo Shah Saray P. O. Pashal Salarzal,			
1.		District Bajaur Agency.  Muhammad Jamstred, Ex-Sepoy, S/o 25.05.2018			
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ļ		Muhammad Shah, Rio Garadi, P.O. Gazafi, District Bajaur Agency.			
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	379(P)CS/2017.	Fazal Haq S/o Muhammad Hakeem, Sepoy, 21.06.	2017
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	263(P)CS/2019	Muhammad Amesn, Ex-Khasadar, R/o 21.03.	3014.
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١.	71(1/23/2017	Amen Kri District Tribal Balaur.	·
	l A	Lingat Khan, Ex-Sepoy, s/o Abdullah R/o 114,02	.2019
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		Agency	
<u> </u>	3)2(I*K)S/2019	KhanAlam, Sepoy, R/o P.O. Anayai Kalay, 08.	11.2019
68.	233(I.K.25501A	Kakah, Tehsil Mamond District Bajour	·
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49.	73304-XCZX201A	Kalay, Kakah, Tehsil Mamuni District	**
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1 71.	777(11)CS/2019	Sajjad Ali, Senoy, S/o Chulam Jan, Villag	
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7	MP No J21/2014 1116(P)CS/2017	Nameh Zada Sto Nadir Khan Rto Shinkay Utmankhel: Tehail Utankhel, District Projaur Accory	16.02.2011
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125.	RF No. 99/2019	Tilla Muhammac, R. No. 4508, Sepoy,	28.06.2019
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124.	- P.P. 140, 100/2019	Abdul Rahim, IC No. 5383, Sepoy, Bajaur	28.06.2019
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127.	RP No.101/2019	Robul Amin. R. No.4293, Sepoy, Bajavir	28,06,2019.
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Date of Hearing	: 1	28.11.2019
Date of Judgement		04.12.2019

VS:

RESPONDÊNTS

The Secretary, SAFRON, Islamphad.

The Additional Chief Secretary, FATA Civil Secretarian (FATA), Warsak Road, Peshawar.

The Political Agent/Commandant/Departy Commissioner Bujuur Levies, District Bajour at Khar.

4. Mr. Rarred Ullah, Subedar Mujor (BS-16), Malakand Levies at Malakand.

5 Mr. Mühammad Hussain, N/Subedar, Reg. No.3164, posted in the office of Political agent/commandant/Deputy Commissioner, Bajaur Levies, District Bajaur at Khar.

PRESENT

Mr. Misbahullah Khan, Rana Samreen Akhtar, Noor Muhammad Khattak, Sardar Saleem Akhtar and Amaad Nusir Kundi, Advocates for the Appellants. Ch. Ishiiaq Meherban, Deputy anomey General for the Federation, Mr. Siraj Haider, Legal Coordinator, Mo SAFRON, Mr. Nisar Khan, Asstt. Accounts Officer, District Accounts Officer, Malakand and Mr. Sajjad Ahmad, Litigation Clerk, Deputy Commission of Office, Bajaur as DRs and Mian Gulzar Hussain, Advocate for Rexiondent No.4

#### JUDGEMENT

#### RAJA HASAN ABBAS, MEMBER:-

These appeals and petitions can be cate rized into appeals, implementation petitions and review petitions.

2. Appellants are ex-employees of Federal Levies Force. The Competent authority imposed major penalty of dismissas from service in most of the cases on charge of misconduct, whereas in some other cases they were retired. Aggrieved by these orders instant appeals were filed before Federal Service Tribunal which are pending decision. Notices were issued to the respondents i.e. M/o SAFRON, FATA Secretarial through Additional Chief Secretary. FATA and the concerned Political Agent/Commandary.

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Comments/objections were received partially and in most of the cases notices were being issued for submission of the same. In the meantime, Federal Government through 25th Constitutional Amendment Act passed in May, 2018 paved the way for merger of FATA in the province of Khyber Pakhtunkhwa. As a result thereof Government of KPK issued Ordinance of of 2019 (laterpassed as an Act), in order to allow Federal Levies Force to continue their functions and to regulate and maintain them under the administrative control of Government of KPK. The force was renamed as Khyber Pakhiunkhwa Levies Force under Section 3 of the Act, comprising the Director General, the Deputy Director General, Commandant and all existing scrength of members of the Levies, Force, working in the merged Districts and Sub-divisions. Above mentioned Officers would be the Officers from Police. Section 9 of the Act provided for absorption of the members of Federal Levies in the Police. Section 9 (2) stipulates that "until their absorption in the police, the inembers of the Levies Force shall be governed by their existing terms and conditions of service under Federal Levies Force (Service) Rules, 2012

- 3. It is important to refer to a letter from M/o SAFRON dated 20th April, 2010 is dressed to Secretary Home & Tribal Area Department, Government of KPK on the subject pertaining to service matters regarding Levies/Khassadars, admitted in Federal Service Tribanal, Islamabad, It is imperative to reproduce para 2-3 of the letter:-
  - Amendment, the erstwhile PATA and FATA have been merged into the province of Khyber Pakhtunkhwa Furthermore, on 12th March, 2019 the Government of Khyber Pakhtunkhwa has promulyated two Ordinances whereby the Federal Levy Force and Khassadar Force, stand provincionized. We had already written to the concerned Registrars of Courts and Service Tribunals to delete the name of Secretary, SAFRON from the array of respondents.
    - It is requested that these alongwith future appeals in connection to the Federal Levy Force and Khassudar Force, may now be addressed at your end while ensuring that reports/comments are submitted to Honorable Federal Service Tribunal, Islamabad on the scheduled date of hearings.

ATTESTED

Registrar Federal Service Tribuna: Islamabad

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BINCS/1019 & others



Another Memorandum from Mo SAFRON dated 18th March, 2019 addressed to Chief Secretary, KPK, Advocate General, KPK and Additional Chief Secretary, Merged Areas Secretariat states as under-

Now, therefore all the administrative, i.e. I and ancillary matters, including service appeals, promotions and litigation in respect of both the forces i.e. Levies Force and Khasadar Force have been transferred to the Government of Khyber Pakhtunkhwa and its relevant forwas from 1. March, 2019, the date of the Issuance of above said Ordinance

It is charified that Ministry of States and Frontier Regions (SAFRON) has ceased to be the controlling authority in respect of Levies Force and Khasadar Force working in erstwhile FATA & PATA. All concerned commandants and others Forums may kindly be informed accordingly.

Attorney General for Pakistan in accordance with Orders 27 Rule 1 of CPC to-assist the Tribunal with regard to the point of jurisdiction as well s 25th Constitutional Amendment including interpretation of Levies Amendment Rules, 2013. After hearing the learned Deputy Attorney General and counsels of the appellants on 30.07.2019 adetailed order was passed. Relevant portion is reproduced:

Notwithstanding, the submissions made by the learned counsels, fact of the matter is that Government of Pakistan Ministry of States and Frontier region has made a journal request for their deletion from the list of the respondent in all these appeals with a further request that these matters any now be addressed to Secretary. Home and Tribal Areas Department, Government of Pakhtankhwa.

8. By operation of the Ordinance supra and 25th Constitutional Amendment, employees of the Federal Levies and Khassadar Force have become provincial Government employees. In several informentation petitions, which are pending at the moment before the Tribunal provincial Home and Tribal Area Department have been issued notices of appearance, however, they have shown very lukewarm response. This is despite the fact that notices were served through Chief Secretary, KPK. We are cognizant of the fact that Constitutional and legal provisions allow continuation of proceedings before the Tribunal, however, we are concernate

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Registrar Federal Service Triannes Islamatead





about the practical aspects of the issue. Since the petitioners: have become provincial Government employees, no proceedings can move unless the respondent Provincial Government. discharges its legal responsibilities.

It is therefore imperative and prindent to crect Secretary Ministry of States and Frontier Region to depute an officer not below the rank of J.S. to appear and assist the Tribunal in the

10. Chief Secretary KPK. Government is required to direct Secretary Home and Tribal Areas Departments to depute an officer not below the rank of Additional Secretary (BS-19) to appear in the pending proceedings before the Fibunal.

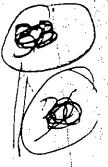
Advocate General KPK is directed to depute a law officer to appear and assist the Tribunal in the matter on the next date".

Since then Provincial Government of KPK has been represented twice by learned Assistant Advocate General. He was not present today nor on 18.11.2019. We have not received any written statement on behalf of Government of KPK since 30.07.2019 despite clear direction vide order duted. 18.11.2019.

Today we have heard learned Counsels of the appellants who are also present in large number. Learned Counsels of the appellants stated that the appellants are poor low paid employees. Since their dismissal in 1007-2008, they have been running from pillar to post or getting justice. The constitutional amendment and subsequent legislation has further complicated matters for them. However, the Tribunal is still vested with the jurisdiction as already determined vide order dated 30.07.2019 at , the appeals may be decided on merits of each case.

We are conscious of the fact that the appellants are facing hardship on account of prolonged judicial proceedings. It is however, more dismaying that the respective provincial authorities are not paying due attention to these matters, pending before us. There is an attitude of indifference towards these proceedings. We are afraid even if the pending issues are decided on meric their implementation would be still more complicated as is the case even now. No meaningful proceedings can take place in the absence of a positive response from Government of Khyber Pakhninkhwa.

> eceral Service T Islamabad



aspects/difficulties and with their consent remaind all the pending appeals to the respective competent authority to treat them as pending departmental appeals and decide them afresh after giving the appellants opportunity of personal hearing. These appeals are disposed of in the above terms.

Misc. Petition Nos. 320, 321, 2488 2487 2098 2099 2018, 42 to 359/2017, 2144/2016, 352 to 354, 1017, 935 to 937, 934, 938/2017, 2143/2018

ADDENT No.1106, 1116(P)CS/2017, 591(P)CS/2015, 38(P)CS/2016, 19, 34(P)CS/2014, 1117, 1119, 1120 to 1123, 1125 to 1136(P)CS/2017, 340, 211.304, 312(P)CS/2014, 584, 635, 10, 14, 24, 27(P)CS/2014, 27(P)CS/2014

Above Misc. Petitions were filed seeking implementation of judgement dated 11.05.2015 and 30.10.2017. Whereas vide order dated 3010.2017 direction were given for deciding pending departmental appeals, vide judgment dated 11.05.2015 directions were given for reinstatement of the appellants. However, for the question of back benefits it was directed to decide the same in accordance with instructions contained in St. No. 155 of ESTACODE (Edition 2007 Volume-ii). The Petitioner have been reinstated however, through these petitions the issue of implementation of the order for determination of back benefits was raised. The respondents, despite repeated notices failed to respond and provide the latest status about implementation of the judgement.

These petitions are also remanded to the competent authority for implementation in the light of the direction of the Tribunal in Judgements dated 11.05.2015 and order dated 30.10.2017. A compliance report be furnished to the Registrar of the Federal Service Tribunal by first week of February, 2020. The petitions stand disposed of

Registrar
Redistrar
Islamaba





# Iteview Petition Nos. 78, 84 to 101/2019

# Auneal No.711, 720 to 726, 760 to 764, 766 to 768, 776 to 778(P)CS/26-1

This brings us to the above titled review petitions which were disposed of vide order duted 20.05.2019.

- It is contended that the appellants were given to understood that with the promulgation of 25th Amendment, Federal Service Tribunal had been. divested of jurisdiction. The provincial authorities were not inclined to listen to their grievences and it would be travesty of justice if they are left without any forum to seek justice.
  - Strictly legally speaking the petition could not be entertained obecause of the limitation of scope of review. However, keeping in view the facts that finer legal aspects of the issues arising out of the merger of tribal tireus and their administrative setup in KPK were beyond their comprehension and they might not have got the necessary assistance to pursue topic appeals, we are inclined to accept these review petitions. As a result thereof the appeals are restored to their original numbers. The directions in para 8 of the judgement would apply mulatis mutandis in these appeals also.
    - Copies of the orders be sent to Chief Secretary K. V. Secretary. Home KEK. Commundant Levies Force, KPK for ensuring supplies the for the judgment and submission of a report within three months to Registrar of the Federal Service Tribunal. Copy of the judgment be also sent to Secretary, M/u SAFRON and Secretary, Establishment Division.

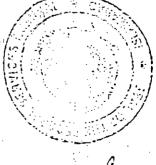
No order as to costs. Parties will be informed.

·Cidzia. 04,022019

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CERTIFIED TRUE COPY

Service Tribunal



To



THE HONOURABLE SECRETARY, Home Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar. 35

. Subject:

APPLICATION FOR DECIDING SERVICE APPEAL AS THE APPLICANT AS PER FEDERAL SERVICE TRIBUNAL DECISION DATED 04-12-2019 WITHIN THE STATUTORY PERIOD OF 60 DAYS

R/Sir,

Most respectfully, it is stated that I am working as Subedar (BPS-14) under the control of Deputy Commissioner Malakand Levies. I am the most senior Subedar amongst my colleagues in the rank of Subedar as per seniority list, but unfortunately One Mr. Fareed Ullah who was at Serial No. 6 of the Seniority list were given out of turn promotion to the rank of Subedar Mejor (BPS-16) against which I filed Service Appeal No. 344 (P) CS/2019 before the Federal Service Tribunal which was fixed for maintainability on 28/11/2019. The honourable bench at Federal Service Tribunal Islamabad, after hearing the argument of Provincial Government as well as fron Federal Government remanded all the pending cases to their concerned Department to treat Service Appeal as Department. Appeal and deciding the same:

(Copy of the judgment dated 04-12-2019 is attached as Flag-A. It is, therefore requested that judgment dated 04-12-2019 may be implemented and decide the appeal of the applicant within the statutory period of 60 days.

I shall be very thankful to you.

(Copy of the Service opeal is attached as Flag-

Obediently Yours,

Amir Nawab (SUBEDAR),

Malakand Lavies at Malakand 0346-9330225

# GOVERNMENT OF KHYBER PAKHTUNKHWA HOME & TRIBAL AFFAIR DEPARTMENT



No. SO (Police-11)/FID/6-268/019 Dated Peshawur the 14.01.2020

ANNEXORE - #

The Registrar, Federal Service Tribunal, Islamabad.

The Deputy Commissioner/Commandant, Malakand, Levies Malakand.

Subject: APPLICATION FOR DECIDING SERVICE APPEAL OF THE APPLICANT AS PER FEDERAL SERVICE TRIBUNAL DECISION DATED 04-12-2019 WITHIN THE STATUTORY PERIOD OF 60 DAYS

Dear Sir

I am directed to refer to the subject note: above and to state that the subject appellant namely Mr. Amir Nawab, Subedar Malakand levies was heard person and it was decided that the subject appeal being devoid of merit, may filed, please.

Yours Faithfully,

Section Officer (Police-11) Ph No. 091-9210503 Fax No. 97 64/117-120

Endst: No & date of even Conv forwarded to:-

Encls as Above

1. PS to Secretary Home & TA's Department.

The appellant for information, please,





ANNEXURE

BIII .

to regulate and maintain the Khasadar Force previously working in the crstwhile Federally Administered Tribal Areas and now in the merged districts of the Province of the Khyber Pakhtunkhwa.

37)

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WHEREAS after Constitution (Twenty-fifth Amendment) Act, 2018 (Act No. XXXVII of 2018), the erstwhile Federally Administered Tribal Areas were merged in the Province of the Khyber Pakhtunkhwa, and the special provisions for the governance system in the said areas were omitted through said amendment, leading to the extension of the executive authority of the Province of the Khyber Pakhtunkhwa to the said areas:

AND WHEREAS the Khasadar Force, which was established in the erstwhile Federally Administract Tribal Areas through Executive Orders and Instructions, for management of the said areas within the framework of territorial and collective responsibility, has now lost their legal status, for working in the merged districts and a sub-divisions:

AND WHEREAS it is in public interest to allow the Khasadar Force to continue their functions for better public order, peace and security in the merged districts and sub-divisions and to achieve the objectives, it is expedient to give legal status to the Khasadar Force in the merged districts and sub-divisions, and to revisit their institutional structure and functional assignment for effective discipline, better performance and optimal utility:

It is hereby enacted as follows:

- 1. Short title, application, extent and commencement.—(1) This Act may be called the Khyber Pakhtunkhwa Khasadar Force Act, 2019.
  - (2) It shall apply to all the members of the Khasadai Force.
- (3) It shall extend to the districts and sub-divisions of the Province of Ethyther Pakhttankhwa as culisted in the Schedule.
  - (4) It shall come into force at once.

Definitions, who this Act unless the contact attacking 2.

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- (d) "District Police Officer" means Head of the Paice, under section 21 of the Khyber Pakhtunkhwa Polic Act, 2017 (Khyber Pakhtunkhwa Act No. II of 2017):
- (c) "Government" means the Government of the Kliyber Pakhtinkhwa;
- (f) "Khasadar Force" means the Khasadar Force, constituted through executive orders, for the erstwille Federally Administered Tribal Areas and now re-constituted and maintained by Government under section 3 of this Act;
- (g) "prescribed" means prescribed by rules;

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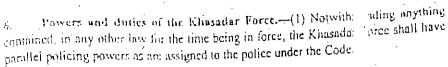
- (h) "public agency" means any department of Government, attached department, public authority, commission or autonomous body, setup under any statutory instrument, or public sector company or body corporate, owned, controlled or impaced by Government;
- (i) "rules" mean rules made under this Act; and
- (j) "Schedule" means Schedule appended to this Act.
- 3. Re-constitution, regulation and maintenance of the Khusudur Force.—(1) On commencement of this Act, the Khasadar Force, shall be re-constituted, regulated and maintained by Government in accordance with the provisions of this Act and shall be known as the Khyber Pakhtunkhwa Khasadar Force, consistent of all existing strength of its members.
- (2) The Khasadar Force shall be organized in senior ranks and junior ranks officers and officials.
- (3) The senior rank officer shall consist of Commandant, who shall be District Police Officer, having additional charge of the Commandant in the district, while the junior ranks shall consist of the following:
  - (a) Subedar Major;
  - (b) Subcdat;
  - (c) Naib Subedar;
  - (d) Havaldur; and
  - (e) Khasadar.
  - 2.1 Superintendence, administration and control of the Knasadar Force.—(1)
    The overall power of superintendence of the Khasadar Force six—vest in Government.
  - (2) The general administration and operational ecorol of the Khasadar Force shall vest with the Commandant in the district.
  - 5. Method of recrudtment.—Subject to other provisions of this Act, recruiment in the Khasadar Force shall be made in the prescribed manner:

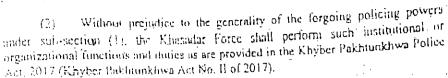
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- Postings, transfers and distribution of the Khasadar Force. (1) The Commandant shall be the authority for posting and transfer of members of the Khasasiar Force within the district.
- Subject to the decision of the Department, a sufficient number of members of the Force shall be placed at the disposal of the District Administration for performing its legally mandated functions.
- Liability of Khasadar Force.—It shall be the duty of every member of the Khasadar Force to obey and execute all lawful orders and instruct: as, issued to him by the Commandant.
- Assistance and support to Government functionaries. On the requisition of the District Administration, the Commandant shall provide assistance and support to the District Administration and Heads of all public agencies in % district, required for performing their official duties.
- Power to make rates.--Government may make rules 1. corrying out the gurposes of this Act.
- Act to override other laws.—The provisions of this Act shall have overriding effect, norwithstanding anything contained in any other law, on the subject, for the time being in force.
- Actions taken in good faith.-No suit, prosecution or other legal proceedings shall be against Government, any authority exercising powers under this Act or any member of the Khasadar Force for anything done in good faith under this Act or any rule made thereunder or matters specified in pursuance of this Act.

Explanation: The phrase "good faith" shall have the same meaning as given to it in section 52 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

- Removal of difficulty .-- (1) If any difficulty arises in going affect to any of the provisions of this Act, the Department may notify a comminer to take a decision, not inconsistent with the provisions of this Act, as may appear to to be necessary for the purpose of removing the difficulty.
- Save as otherwise specifically provided, nothing in this Act, or any rejural efficient thereby shall affect or be deemed to affect
  - the existing terms and conditions if service of the Chasadar Force unless amended throug a substitute rule or

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communication of this Act and not inconsistent with any of the provisions of this Act, shall continue to be in force, not have affect as if it were respectively done, taken, commenced, issued, made, directed, given, executed or issued under this Act; and.

mything done, action taken, rule made or notification or orderal issued mater the Khyber Pakhtunkhwa Khusador Force Orthonice 2019 (Khyber Pakhtunkhwa Ord. No. IV of 2019) shull be deemed valid and the same shull not be called in question in any Court of law.

147. Repeal. -- the Ellyber Pakhtunkhwa Khazadar Force Ordinance, 2019 (KP Ord No. IV of 2019) is hereby repealed.

## SCHEDIILE

#### Paris

S No.	District.
1.	Dajaur
7 . 2.	Molunand '
1.	Khyber ' i i
4.	Orakzai
	Kumin
· · · 6	South Wazaristan
7.	North Wazirislan

#### Part. B

S No.	Sub-Division.
1	Hasan Khel in district Peshawar.
7.	Darra Adem Khel in district Kohat.
1.	Bettani in district Lakki Marwat.
	Wagir in district Bannu.
5.	Jandola in district Tank.
6.	Unrazinda in district Dera Ismail Khan.

#### STATEMENT OF QUIECTS AND REASONS

It is desirable to regulate and maintain the Khasadar force, previously working in the errowhile Federally Administered Tribe's cross and now in the merged districts of the Province of the Psychet Pakhtunkhwa, Ficoca, this Bill.

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